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OF THE

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SESSION 1882.

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- No. 31... PEACE RIVER AND SKEENA EXPLORATIONS:—Return to Order; Showing the cost of each of the expeditions employed in exploring the country in the neighborhood of the Peace River and the Skeena, and the northern routes, for a railroad to the Pacific Ocean. (*Not printed.*)
- No. 32... CIVIL SERVICE COMMISSION:—Second Report of the Civil Service Commission, dated Ottawa, 28th July, 1881.
- No. 32a. Minority Memorandum of Messrs. Taché and Tilton, members of the Civil Service Commission.
- No. 33... SUPERANNUATION ALLOWANCES:—Statement of all Allowances and Gratuities granted since last Return, under the Act 33 Vic., cap. 4, relating to Superannuation.

- No. 33a. Return to Order; Showing the sum total paid each year for all Allowances or Compensations granted as Retiring Allowances or Superannuations, from 30th June, 1873, to 30th June, 1881. (*Not printed.*)
- No. 34... GOVERNOR-GENERAL'S WARRANTS ISSUED:—Return of the Governor-General's Warrants issued since last Session of Parliament, in accordance with the Act 41 Vic., cap. 7, sec. 32, on account of the fiscal year 1880-81, and a similar Return for the fiscal year 1881-82.
- No. 35... MEMBERS OF THE GOVERNMENT, EXPENSES OF:—Return to Order; Showing the expenses incurred by the several Members of the Government, and any other person in the service of the Government, sent to England or elsewhere, from the 10th February, 1880, to date.
- No. 36... SILVER COIN:—Return to Order; Correspondence relating to the coinage of an adequate supply of Silver Coin for business purposes and public use in Canada. (*Not printed.*)
- No. 36a. Return to Address (*Senate*); Statement showing the quantity of Canadian Silver Coin issued by the Government of Canada, from 1st July, 1867, to 1st March, 1881, specifying the quantity issued of each denomination, &c. (*Not printed.*)
- No. 37... BOUNDARY AWARD:—Return to Address; Correspondence between the Government of Ontario and the Government of Canada relating to the subject of the Boundary Award.
- No. 37a. Return to Address; Correspondence not heretofore laid before The House in connection with the Northern and Western Boundary of Ontario.
- No. 37b. Return to Address; Correspondence with the Lieutenant-Governor of Ontario relating to the Boundary Award, since the 27th January last. Also, all correspondence, &c, relating to the appointment of Arbitrators.
- No. 38... CENSUS:—Message; Transmitting copy of the "Numerical Census" of the Dominion of Canada, taken under the Act 42 Vic., cap. 21. (*Not printed.*)
- No. 38a. Report of the Minister of Agriculture in relation to the Census Taking, &c., and the instructions to the officers employed in taking the second Census of Canada, 1881. (*Not printed.*)
- No. 38b. Return to Order; For the full description of the locality comprised in each Census Sub-District, from "A" to "F," inclusive, of Census District No. 192, "The Territories," with map delineating the boundaries of each such Sub-District. (*Not printed.*)
- No. 38c. Return to Order; Showing the names of all Officers and Enumerators employed in taking the Census in 1881 in the County of St. John, the amounts paid for fees, &c. (*Not printed.*)
- No. 38d. Return to Order; Showing the names of the persons who made the Census of 1881, in the County of Rimouski, and the amount received, by each for fees, &c. (*Not printed.*)
- No. 39... COAL LANDS:—Copy of the Regulations for the disposal of the Coal Lands.
- No. 40... FUGITIVE OFFENDERS' BILL:—Certain correspondence between the Imperial and Canadian Governments relating to the proposed Fugitive Offenders' Bill. (*Senate.*)
- No. 41... SUB-MARINE TELEGRAPH:—Return to Address (*Senate*); Correspondence, &c., in reference to Mr. Sandford Fleming's scheme for connecting with Asia by sub-marine telegraph, with the documents relating to the same.
- No. 41a. Return to Address (*Senate*); Correspondence since the 19th March, 1881, between the Government of Canada and Mr. Sandford Fleming respecting a submarine telegraph between the Western coast of Canada and Asia.
- No. 42... MILLS AND FACTORIES:—Report of the Commissioners appointed to enquire into the working of Mills and Factories of the Dominion, and the labor employed therein.
- No. 43... GOVERNMENT SAVINGS BANKS:—Return to Order; Number of depositors in the Government Savings Bank of sums under \$10 during the last financial year.

- No. 43a. GOVERNMENT SAVINGS BANKS:—  
Cost of Branches:—  
Return to Order; Showing the cost of the Savings Bank Branches of the Finance and Post Office Departments, also the total cost of maintaining the several Savings Banks under the control of the Government throughout Canada.
- No. 43b. Agents' Instructions:—  
Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 24th March, 1881, respecting instructions to Agents for the management of the Dominion Government Savings Banks.
- No. 43c. Money sent out:—  
Return to Order; Showing the amount of moneys sent from Canada by Post Office Money Order to all countries during the year 1881, and the cost. (*Not printed.*)
- No. 44... INTEREST ON PUBLIC DEBT:—Return to Address; Correspondence between the Government of Canada and Messrs. Glyn and Baring, in reference to any alteration in the arrangements for the payment of interest on the Public Debt, &c.
- No. 45... RECEIPTS AND EXPENDITURES, CONSOLIDATED FUND:—Return to Order; Receipts and Expenditures chargeable to Consolidated Fund, from 1st July, 1881, to 20th February, 1882. (*Not printed.*)
- No. 45a. Return to Order; Receipts and Expenditures chargeable to Consolidated Fund, from the 1st July to the 1st February, in the fiscal years terminating on the 30th day of June, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881 and 1882 respectively. (*Not printed.*)
- No. 46... MONEY ON DEPOSIT:—Return to Order; Statement showing the amount of money on deposit on the 1st of February, 1882, whether in Canada or elsewhere, with the names of the banks where so deposited, also the amount of interest, &c.
- No. 46a. Return to Order; Statement of the total amount on deposit with banks in Canada upon the last days in each month in the fiscal year 1880-81. (*Not printed.*)
- No. 47... RIVER RESTIGOUCHE:—Return to Order; Report of H. F. Perley, Esquire, and C. F. Roy, Esquire, respecting the channel in the traverse of the River Restigouche. (*Not printed.*)
- No. 48... CANADIAN PACIFIC RAILWAY:—Return to Address; Specifications, tenders, correspondence, &c., relative to the letting of the railway work between Emory's and Port Moody, B.C.
- No. 48a. Supplementary ditto.
- No. 48b. Agreement entered into between John Paterson and Her Majesty Queen Victoria, to erect section houses, &c., on the line of the Canadian Pacific Railway between Yale and Kamloops Lake, B.C. (*Not printed.*)  
Also, between Andrew Onderdonk and Her Majesty Queen Victoria, for the construction of the section of the Canadian Pacific Railway from Emory's Bar to Port Moody, B.C. (*Not printed.*)  
Also, between Andrew Onderdonk and Her Majesty Queen Victoria, for a steel or iron bridge over Fraser River at Lytton, B.C. (*Not printed.*)  
Also, between Walter Oliver and Her Majesty Queen Victoria, to construct a passenger and freight station at Rat Portage, on the Canadian Pacific Railway, for \$1,925, and the outhouse for \$125, total \$2,050, before the 15th August, 1881. (*Not printed.*)  
Also, contract for freighting Engineers supplies from end of Section 15 to Section 42, Canadian Pacific Railway, with Robert Ferres, Peter Paul, and George Millwar, contractors. (*Not printed.*)
- No. 48c. Return to Order; Letters and Reports from the Engineer in Chief to the Minister of Railways, also from the District Engineer of Manitoba District to the Engineer in Chief in connection with the increase of quantities on Contract 15, Pacific Railway. (*Not printed.*)  
Also, Copies of Instructions given to Mr. Haney, and also what changes have been made in the grades and curvature since the winter of 1879-80. (*Not printed.*)
- No. 48j. Return to Order; Correspondence, &c., on the subject of the rates to be charged on Canadian Pacific Railway.

- No. 48e. CANADIAN PACIFIC RAILWAY:—Return to Address; Order in Council respecting the charter for the construction of the Canadian Pacific Railway, the charter itself, the deposit of a million, and the definition of the word "capital."
- No. 48f.. Return to Address; Correspondence since the 22nd December, 1880, with Smith, Ripley & Co., upon the subject of the Georgian Bay Branch of the Pacific Railway contract. (*Not printed.*)
- No. 48g. Return to Address; Correspondence relating to the rates for passengers and freight on any railway operated by the Canadian Pacific Railway Company, and of all Reports and Orders in Council affecting the same, and also of any special rates.
- No. 48h. Return to Order; Correspondence on the subject of any railway, or projected railway, claimed by the Canadian Pacific Railway Company to be in derogation of their contract rights.
- No. 48i.. Return to Order; Showing the approximate quantities of the several classes of work for the construction of the railway between Port Moody and Yale. (*Not printed.*)
- No. 48j.. Return to Order; Copy of the cheque deposited by Andrew Onderdonk with his tender, which was accepted for the construction of the railway from Port Moody to Emory's Bar. (*Not printed.*)
- No. 48k. Return to Order of 21st February, 1881; Copies of contract between one Ham McMicken, acting for himself or as an agent, and T. J. Lynskey, Superintendent of the line of the Canadian Pacific Railway from Emerson to St. Boniface, in relation to the carrying and delivery of freight in Winnipeg, &c. (*Not printed.*)
- No. 48l.. Return to Order of the 21st February, 1881: Letters, documents, &c., in relation to difficulties between one Ham McMicken, or T. J. Lynskey and Robert Tait, with reference to the ferry between St. Boniface and Winnipeg. (*Not printed.*)
- No. 48m. Return to Order of 11th February, 1881; Showing the cost of the surveys and location of the second one hundred miles west of Red River of the Canadian Pacific Railway, from 1st January, 1879, to 1st February, 1881. (*Not printed.*)
- No. 48n. Return to Address; Correspondence with the C.P.R. Company, on the subject of the route of any part or branch thereof, and a statement of the expenditure by the Government on the line to the westward of Winnipeg.
- No. 48o. Return to Address; Correspondence, &c., in relation to any payments of money to the Canadian Pacific Railway Company, with a detailed statement of all such payments. (*Not printed.*)
- No. 48p. Return to Address; Correspondence, &c., in relation to the acceptance of the Land Grant Bonds of the Canadian Pacific Railway Company by the Government for any public purpose.
- No. 48q. Return to Address; Correspondence, &c., in relation to any grants or reservations of land for the Canadian Pacific Railway Company. (*Not printed.*)
- No. 48r. Return to Order; Correspondence with the Canadian Pacific Railway Company, respecting all claims made by said Company for stone, &c., used for the construction of the said road. (*Not printed.*)
- No. 48s.. Return to Order; Detailed Statement of all deposits of money made by the Canadian Pacific Railway Company with the Government, also of any purchases made by the Company from the Government. (*Not printed.*)
- No. 48t.. Report of the Royal Commission on the Canadian Pacific Railway, being Vols. 1, 2 and 3 of the evidence taken before them. (*Not reprinted for Sessional Papers.*)
- No. 48u. Return to Order; Statement of the sums expended in connection with the Canadian Pacific Railway Commission, and correspondence, &c., as to the printing of the evidence or Report. (*Not printed.*)
- No. 48v. Further Supplementary Return to Address; For advertisements, specifications, &c., relating to the letting of the railway work between Emory's Bar and Port Moody, B.C.

- No. 48w. CANADIAN PACIFIC RAILWAY:—Return to Order; Copies of all contracts for the construction of any part of the Canadian Pacific Railway, made by the Company with any firm, since the date of the previous order.
- No. 48z. Return to Order; Correspondence, &c., relating to the allowances proposed to be paid to Canadian Manufacturers of certain goods required by the Canadian Pacific Railway Company. (*Not printed.*)
- No. 48y. Return to Order; Correspondence, &c., in respect to measures being taken to ensure to the Maritime Provinces, the winter terminus of the Canadian Pacific Railway. (*Not printed.*)
- No. 48x. Communication from the Secretary of the Canadian Pacific Railway Company, dated Montreal, 30th March, 1882, applying to have the location of the line between the western terminal point of the subsidized portion of the Canada Central Railway (now Canadian Pacific) and Algoma Mills, already alluded to, the Sault Ste. Marie Branch approved. (*Not printed.*)
- No. 48aa. Return to Address; Correspondence between the Canadian Pacific Railway Company and the Government, relating to the Company or its affairs (*Not printed.*)
- No. 48bb. Return to Order; Detailed Statement of the particulars of the charges made against the Canadian Pacific Railway Company for work performed on the first hundred miles west of Red River. (*Not printed.*)
- No. 48cc. Return to Address (*Senate*); Communications addressed by Mr. Sandford Fleming to the Secretary of State on the subject of the Report of the recent Railway Commission as laid before both Houses of Parliament.

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- No. 50... EXPORTS AND IMPORTS:—Return to Order; Return of the Exports and Imports from the 1st July to the 1st January, in each of the years 1877, 1878, 1879, 1880, 1881 and 1882, respectively. (*Not printed.*)
- No. 51... WOOD EXPORTED FROM CHICOUTIMI AND SAGUENAY:—Return to Order; Statement showing the total value of Wood manufactured or unmanufactured exported from the United Counties of Chicoutimi and Saguenay, during the year ending 30th June last. (*Not printed.*)
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- No. 53... MOOSE, YORK AND CHURCHILL CUSTOMS DUTIES:—Return to Order; Showing the amount received for duties at the Ports of Moose, York and Churchill, during the years from 1876 to 1881, inclusive; also the amount paid to Customs Officers at the several ports. (*Not printed.*)
- No. 54... HUDSON BAY, RAILWAY TO:—Return to Address; Correspondence between the Government of Canada and any other parties in reference to the proposed Railway from Manitoba to Hudson Bay. (*Not printed.*)
- No. 55... BANKS, CIRCULARS SENT TO:—Return to Order; Copies of three Circulars asking for information recently directed, under instructions of the Minister of Finance, to several of the Banks, with the names of the Banks to which they were directed.
- No. 56... PASPEBIAC HARBOR:—Return to Order; Report of the Engineer who made the Survey of the Harbor of Paspebiac in 1874 and 1875. (*Not printed.*)
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- No. 58... BONDS AND SECURITIES:—Statement of all Bonds and Securities registered in the Department of the Secretary of State of Canada, under the Act 31 Victoria, chapter 37, section 15. (*Not printed.*)

- No. 59... **CANADIAN TOBACCO**:—Return to Order; Statement showing the amount in detail, for each county, of the Revenue produced by the duty on Canadian Tobacco, the cost of collecting, and the amount of Fines levied between the 1st January and 31st December, 1881.
- No. 59a. Return to Order; Statement showing amount of duties collected on Canadian Tobacco, the costs of Stamps used, &c., and of all or any expenses defrayed out of the public chest. (*Not printed.*)
- No. 59b. Return to Order; Return of all Canadian grown Tobacco seized by officers of the Department of Inland Revenue within the Province of Quebec, during the years 1875, 1876, 1877 and 1878. (*Not printed.*)
- No. 59c. Return to Order; List of all persons appointed as Tobacco Inspectors, under Act 42 Victoria, chapter 19. (*Not printed.*)
- No. 59d. Return to Order; Statement showing the names of the persons in the second Registration District of the County of Rimouski who have paid the tax on tobacco of their own growth sold by them. (*Not printed.*)
- No. 60... **KINGSVILLE HARBOR**:—Return to Order; Reports of H. F. Perley, Esq., Chief Engineer, Department of Public Works, respecting Kingsville Harbor. (*Not printed.*)
- No. 61... **SEIZURES AND FINES**:—Return to Order; Showing the number of seizures made at each Port of Entry of the Dominion, during the fiscal year ending 30th June, 1881; the fines exacted and how disposed of. (*Not printed.*)
- No. 61a. Return to Order; Showing the number and nature of the several seizures made at the different Ports of Entry of the Dominion from the 30th day of June, 1881, to the 1st day of January, 1882, and the amount of fines exacted in each case disposed of. (*Not printed.*)
- No. 62... **STEAMBOATS, INSPECTION OF**:—Return to Order; Copy of all Rules and Regulations for the Inspection of Steamboats in force in the years 1879 and 1880, also a copy of any Inspector's certificate, granted to the steamer *Waubuno* navigating the waters of the Georgian Bay, Lake Huron in 1879, &c. (*Not printed.*)
- No. 63... **NAPOLEON III., STEAMER**:—Return to Order; Reports respecting the condition of the engines and boilers of the Government Steamer *Napoleon III.*, since 1st January, 1878, with copies of tenders for new engines and boilers, &c. (*Not printed.*)
- No. 64... **VESSELS, U.S., REGISTERED IN CANADA**:—Return to Order; Statement showing the number of vessels propelled by wind or steam which were built in the United States and registered in Canada between the 1st January, 1878, and the 1st January, 1880. (*Not printed.*)
- No. 64a. Return to Order; Showing the name and number of all boats or sailing vessels lost on Canadian inland waters, since 1870, with the value of property and number of lives lost and the causes of the losses. (*Not printed.*)
- No. 64b. Return to Address; Correspondence in reference to loss of vessels on our inland waters in consequence of overloading or shifting of cargoes.—(*Not printed.*)
- No. 65... **MARINERS' SICK FUND**:—Return to Order; Statement of the annual amounts collected on ships frequenting the River Saguenay, from 1st July, 1867, to 1st July last, for the Sick and Disabled Mariners' Fund. (*Not printed.*)
- No. 66... **DRUID, STEAMER**:—Return to Order; Return of all tenders forwarded to the Department of Marine and Fisheries for the construction of new feathering wheels, &c., to the engine of the Government steamer *Druid*, Engineer's reports, &c. (*Not printed.*)
- No. 67... **A. S. McEDWARDS, DISMISSAL OF**:—Return to Order; Papers in connection with the dismissal of A. S. McEdwards, late postmaster at Neustadt. (*Not printed.*)
- No. 68... **POINT AUX TREMBLES, WHARF AT**:—Return to Order; Report of the Engineer appointed by the Government to ascertain the possibility of constructing a wharf at Point aux Trembles, in the County of Portneuf, with the plans, &c. (*Not printed.*)
- No. 69... **RAILWAY Co. RETURNS, N.S.**:—Returns furnished by railway companies in Nova Scotia, under 38 Victoria, chapter 25. (*Not printed.*)

- No. 70... LOUISE BRIDGE:—Return to Order; Correspondence between the Department of Railways and the Council of the City of Winnipeg on the subject of the Louise Bridge. (*Not printed.*)
- No. 71... EEL FISHERY, RIVER RICHELIEU:—Return to Address (*Senate*); Documents bearing dates between January, 1874, and 18th March, 1881, in the possession of the Department of Marine and Fisheries, relating to the rights of Joseph Goyette, Pierre Dionne and Toussaint Huot, in an eel fishery situate in the bed of the River Richelieu. (*Not printed.*)
- No. 72... LAVAL UNIVERSITY:—Return to Address; Relating to the Act passed by the Quebec Legislature, at its last Session respecting Laval University, and the petitions asking for the disallowance of the said Act. (*Not printed.*)
- No. 73... CANADIAN SHIPS AND FRENCH PRODUCTS:—Return to Address (*Senate*); Respecting the sale of Canadian built ships in France on the same favorable terms as are enjoyed by vessels of British construction; also as to the admission of French products into this country on more favorable terms. (*Not printed.*)
- No. 74... TELEGRAPH, CAPE SABLE:—Return to Order; Correspondence with the Department of Public Works, asking the Government to provide for telegraphic communication between Cape Sable Island and the mainland, in the County of Shelburne. (*Not printed.*)
- No. 75... MINING ACT, QUEBEC:—Return to Address; Copies of the Act passed by the Quebec Legislature in the Session of 1830 respecting mines; of the petitions praying for the disallowance of the said Act, and the Report of the Minister of Justice. (*Not printed.*)
- No. 76... INDIANS, ARREARS DUE TO:—Return to Address; Correspondence between the Government of the Dominion and the Government of Ontario in reference to the arrears due to the Indians of Lakes Huron and Superior under the Robinson Treaty.
- No. 77... ST. MICHEL WHARF:—Reports in relation to improvements, &c., to be made on the Wharf at St. Michel, County of Bellechasse. (*Not printed.*)
- No. 78... ACADIA STEAMSHIP COMPANY'S PIERS:—Return to Order; Correspondence relating to the construction of the Acadia Steamship Company's Pier at Annapolis, and any estimates of the cost. (*Not printed.*)
- No. 79... WINTER COMMUNICATION, P.E.I.:—Return to Order; Correspondence in reference to the improvement of winter communication between Prince Edward Island and the mainland.
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- No. 80... NORTH-WEST MOUNTED POLICE SUPPLIES:—Return to Order; Copy of the Contract entered into by the Government, in 1880, with J. G. Baker & Company, of Fort Benton, for furnishing supplies for the North-West Mounted Police.
- No. 81... INTERCOLONIAL RAILWAY:—Return to Order; Copies of all tariffs of rates for freight or passengers on the Intercolonial and Prince Edward Island Railways; and Statement of all special rates. (*Not printed.*)
- No. 81a. Return to Order; Account of stock taken in the stores or shops of the Intercolonial Railway at Moncton, during the years 1879 and 1880. (*Not printed.*)
- No. 81b. Return to Order; Showing the average number of miles of the Intercolonial Railway worked each year; the cost per mile of running the road, and the average quantity of freight carried, and the average earnings per mile each year.
- No. 81c. Return to Order; Showing the working expenses and revenue of the Intercolonial Railway in each of the years 1877, 1878, 1879, 1880 and 1881; the number of employes and their salaries, and the number of miles run.
- No. 81d. Return to Order; Showing the number of locomotives and cars, &c., at the several workshops of the Intercolonial Railway now undergoing or awaiting repairs. (*Not printed.*)
- No. 81e. Return, and Supplementary Return, to Order; Tenders, Correspondence, &c., respecting the purchase of second hand coal hoppers from or through B. Burland.

- No. 81f. INTERCOLONIAL RAILWAY:—Return to Order; Statement and complaint of J. St. Laurent in relation to the killing of a horse by the cars on the branch of the Intercolonial Railway at Rimouski, and Report of Mr. Rennie annexed. (*Not printed.*)
- No. 81g. Return to Order; Reports made by Frank Shanly on claims made by contractors or others on the Intercolonial.
- No. 81h. Return to Order; Showing what branches or sidings of the Intercolonial Railway were built or commenced during the year 1881, the length and cost of each, &c.
- No. 81i. Return to Order; Showing, in detail, the expenditure of \$24,372.54 described in the Minister of Railway's Report, Appendix No. 3, for completion of the Intercolonial. (*Not printed.*)
- No. 81j. Return to Order; Showing the total cost to date of the portion of the Intercolonial Railway between River du Loup and the terminus at Hadlow, or Chaudière Junction.
- No. 81k. Comparative Statement of the operations, Intercolonial Railway, from 1st July, 1876 to 1880-81.
- No. 81l. Capital account, Intercolonial Railway, of the quantity of rolling stock delivered and to be delivered, and of the expenditure thereon, from 1st July, 1874, to 1st July, 1883.
- No. 81m. Memorandum of the steel rails renewals, Intercolonial Railway, during the years 1874-75 to 1878-79.
- No. 81n. Return to Order; Statement showing the quantities of Spring Hill coal, delivered at St. John and intermediate stations by the Intercolonial Railroad during the year ending 31st December, 1881; also rates of freight, &c. (*Not printed.*)
- No. 81o. Return to Order; Copies all of documents relating to the claim of Félix Caron and Henriette Chouinard, both of St. Jean Port Joli, against the Intercolonial Railway. (*Not printed.*)
- No. 81p. Return to Order; Showing what number of locomotives, passenger freight and coal cars, and other rolling stock, were purchased or contracted for or built at the Government workshops during the year ending 31st December, 1881.
- No. 81q. Return Order; Report of the section men, in relation to damages caused by fire from the locomotives to the property of Mr. Ferdinand Bellevance. (*Not printed.*)
- No. 81r. Return to Order; for advertisements, or circulars asking for tenders for the supply of iron and iron manufactures, &c., required for the use of the Intercolonial Railway, during the period from 30th June, 1880, to 31st December, 1881.
- No. 82... MANITOBA BOUNDARIES:—Return to Address; Copy of the Proclamation bringing into force the Act extending the Boundaries of the Province of Manitoba. (*Not printed.*)
- No. 82a. Return to Address; Despatches between the Governments of Canada and Manitoba, in reference to the extension of the Boundaries of Manitoba, and also in reference to further grants of money to that Province.
- No. 83... FACTORIES, COMMISSIONERS:—Return to Order; Instructions to, and correspondence with the Commissioners on Factories, including instructions and correspondence as to information on other points than those contained in the Report laid on the Table, with certain detailed Statements in the possession of the Government, &c.
- No. 84... COTTONS, CANADIAN AND FOREIGN:—Return to Order; Statements in the possession of the Government showing the cost of the specified brands of like qualities of Canadian and Foreign Brown and White Cottons. (*Not printed.*)
- No. 85... FABRE, SENATOR:—Return to Address (*Senate*); Correspondence between the Government and Senator Fabre, together with the amount of compensation paid him for travelling and other expenses. (*Not printed.*)



- No. 86... METEOROLOGICAL SERVICE:—Return to Order; Statement showing the amounts paid for the Meteorological Service of Canada during the years 1877, 1878, 1879, 1880 and 1881. (*Not printed.*)
- No. 87... BRITISH CANADIAN LOAN AND INVESTMENT COMPANY:—List of the Shareholders of, with Statement of its affairs. (*Not printed.*)
- No. 88... LONDON POST OFFICE:—Return (in part) to Address; Report made by Post Office Inspector Dewe about 1880, on the defaults and irregularities in the London Post Office. (*Not printed.*)
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- No. 89... VANCOUVER ISLAND, TELEGRAPH ON:—Return to Order; For Papers asking that the Telegraph Line on the east coast of Vancouver's Island be extended to Comox. (*Not printed.*)
- No. 90... ANNIE STEWART, TUG BOAT:—Return to Order; Statement of Services performed for the Government by the Tugboat *Annie Stewart*, during the past three years, and copies of contracts entered into with the owners. (*Not printed.*)
- No. 91... GRINDING IN BOND:—Return to Address; Correspondence, regulations, &c., on the subject of Grinding in Bond, with a Statement of all Bonds given under the regulations, and of any action taken thereon, and of the present condition of things in respect of each such Bond, &c. (*Not printed.*)
- No. 92... FLOUR, MEAL, &c., IN NOVA SCOTIA:—Return to Order; Statement of Flour, Meal and Corn entered for consumption at the different Ports of Entry, in all the Counties of the Province of Nova Scotia, from 15th March, 1879, to the 30th September, 1881.
- No. 93... ST. HYACINTHE IMPORTS, &c.:—Return to Order; Statement of the Imports at the Port of St. Hyacinthe, from the 1st July, 1881, up to the 1st February, 1882; also of the Receipts and Expenditure at the same Port during the same period. (*Not printed.*)
- No. 94... FLOUR BARRELS, EVASION OF DRAWBACK:—Return to Order; Correspondence in possession of the Government, as to the use of barrels or parts of barrels in which American flour had been imported for the purpose of exporting Canadian flour in evasion of regulations as to drawback. (*Not printed.*)
- No. 95... DIXON, JAMES D., SUPERANNUATION OF:—Return to Order; Relating to the Superannuation of James D. Dixon, Collector of Customs, Sackville, and the appointment of his successor, Wm. C. Milner. (*Not printed.*)
- No. 96... FOREIGN LIFE ASSURANCE COMPANIES, LIST OF:—Return to Order; List of the names of Foreign Life Assurance Companies who have made deposits with the Government for the sole benefit of Canadian policyholders. (*Not printed.*)
- No. 97... SAGUENAY COUNTY, POSTAL COMMUNICATION:—Return to Order; Petitions and Correspondence addressed to the Government respecting postal communication on that part of the north shore of the River St. Lawrence, comprised in the County of Saguenay. (*Not printed.*)
- No. 98... MANITOBA LAKE, LEVEL OF:—Return to Order; Reports of Engineers and Correspondence respecting the lowering of the present level of the water in Lake Manitoba. (*Not printed.*)
- No. 98a. Supplementary Return to Order; Reports of Engineers and Correspondence respecting the lowering of the present level of the water in Lake Manitoba. (*Not printed.*)
- No. 99... WOOL IMPORTED:—Return to Order; Showing the number of pounds of wool imported into the Dominion since the 30th June, 1881, and the amount collected therefor. (*Not printed.*)
- No. 100... SELKIRK, TELEGRAPH OPERATION:—Return to Order; Statement of the receipts and expenses in connection with the maintenance and operation of the telegraph line from Selkirk to Fort Edmonton and from Selkirk to Winnipeg. (*Not printed.*)

- No. 101. QUARANTINE STATIONS FOR CATTLE :—Return to Order; List of Quarantine Stations authorized under the Regulations for the importation of cattle for breeding purposes. (*Not printed.*)
- No. 102. ANDERSON, JAMES, CROWN TIMBER AGENT, WINNIPEG :—Return to Order; Letters of Instructions from Lindsay Russell, Esq., Deputy Minister of the Interior, to James Anderson, Crown Timber Agent at Winnipeg, relating to disposal of timber for lumber, railway ties or cordwood, since 1st March, 1881. (*Not printed.*)
- No. 103. PROVINCIAL RAILWAYS :—Return to Address; Copy of any Resolution of any Provincial Legislative body transmitted to His Excellency on the subject of the exercise by the Parliament of Canada of the power to declare Provincial Railways to be for the general advantage of Canada. (*Not printed.*)
- No. 104. THOMAS RYAN, APPOINTMENT OF :—Return to Order; Correspondence in relation to the appointment of Mr. Thomas Ryan as Engineer of the Custom House at Montreal. (*Not printed.*)
- No. 105. PICTOU DRY DOCK :—Return to Order; Correspondence in connection with the Dry Dock at Pictou. (*Not printed.*)
- No. 106. WOOD, E. B., C.J., MANITOBA :—Return to Address; Answer of the Honorable Edmund Burke Wood, Chief Justice of Manitoba, to the Petition of Henry J. Clarke, Q.C., of Winnipeg, and others, presented to the House of Commons, 4th March, 1881.
- No. 107. TORONTO RAILWAY CROSSINGS :—Return to Order; Reports of Government Engineers relative to the different Railway Crossings at Queen and Dufferin Streets, in the City of Toronto. (*Not printed.*)
- No. 108. BANK OF UPPER CANADA :—Memorandum; On the Estate of the late Bank of Upper Canada.
- No. 108a. Statement of the indebtedness of the Bank of Upper Canada to the Government, amounting to \$1,150,000, up to date.
- No. 109. ROYAL MILITARY COLLEGE :—Return to Order; Showing the various changes in the organization of the Royal Military College, since its establishment to 1st February, 1882. (*Not printed.*)
- No. 109a. Return to Order; Detailed list of Cadets of the Royal Military College, past and present, who were born in the United States. (*Not printed.*)
- No. 109b. Return to Order; Showing the number of Cadets who have been admitted to the Royal Military College since its opening; the number graduated, the number left without graduating, and the number now on the strength of the College, &c. (*Not printed.*)
- No. 109c. Return to Order; Return of Graduates holding commissions in the Militia, who have attended the training of Battalions to which they are attached, since July last. (*Not printed.*)
- No. 109d. Return to Order; Showing the salary paid to Professor Ferguson, the number of Cadets attending his classes, and the number of lectures given by him, from 1st November, 1881, to 1st February, 1882. (*Not printed.*)
- No. 109e. Return to Order; Names of the staff and employés in connection with the Royal Military College, with their salaries, allowances and duties. (*Not printed.*)
- No. 109f. Return to Order; Correspondence between the Commandant of the Royal Military College and the Militia Department in reference to the appointment of a Captain of Cadets, in place of Major Ridout. (*Not printed.*)
- No. 109g. Return to Order; Correspondence between the Commandant of Royal Military College at Kingston, the Major General Commanding and the Minister of Militia relating to the removal of Major Ridout from the Royal Military College Staff. (*Not printed.*)
- No. 110. RED RIVER EXPEDITION :—Return to Address; Showing the names of the Officers who took part in the Red River Expedition of 1870-71, those of the "Ontario Rifles" as those of the "Quebec Rifles." (*Not printed.*)

- No. 111. FLETCHER, LIEUT.-COL.:—Return to Order; Correspondence with the Department of Militia and Defence, in relation to the retirement of Lieut.-Col. John Fletcher, late Assistant Adjutant-General, Military District No. 5, and the bonus granted him. (*Not printed.*)
- No. 112. SUPREME COURT:—General Order No. 80 of the Supreme Court of Canada (in compliance with the provisions of sec. 79 of the Supreme and Exchequer Court Act.) (*Not printed.*)
- No. 113. EXPENSES TO ENGLAND:—Return to Order; Showing the expenses incurred by the several Members of the Government, or of any persons in the service of the Government, sent to England or elsewhere, from the 10th February, 1880, to date.
- No. 114. GALT, SIR A. T.:—Return to Order; Showing all sums paid to Sir A. T. Galt, as High Commissioner. Also, amount paid for rent and outfit of his residence in London, also travelling expenses, since July, 1878.
- No. 115. MATANE, WHARF AT:—Return to Order; Engineer's Report respecting the repairs made to the Wharf of Matane, and the improvements necessary to be made. (*Not printed.*)
- No. 116. COURTNEY RIVER:—Return to Order; Copy of the Dominion Agent's Report on Courtney River, in Comox District. (*Not printed.*)
- No. 117. GRAIN, &c., DUTY PAID ON:—Return to Order; Showing the quantity, value and duty paid on the Imports entered for consumption of "Grain and Products of Grain," also of "Animals," also of "Fruits and Provisions," for the years 1878, 1879, 1880 and 1881.
- No. 118. COAL EXPORTED:—Return to Order; Showing the quantity of Coal exported from the Ports of Nova Scotia in 1877-78, 1878-79 and 1880-81, and to what countries. Also, the quantity of Coal carried upwards through the St. Lawrence Canals, &c.
- No. 119. CUSTOMS BOATMEN AT QUEBEC:—Return to Order; Copies of Petitions from the Customs Boatmen of the City of Quebec, applying to be supplied with uniforms, and the replies thereto. (*Not printed.*)
- No. 120. GOODS MANUFACTURED IN QUEBEC:—Return to Order; Statement of the Goods which were manufactured in the Province of Quebec, and exported to British Columbia, between 1st January, 1880, and 1st January, 1882, and their value. (*Not printed.*)
- No. 121. MILITIA:—Return to Order; Statement of the Expenditure on account of the Militia in Canada, from 1st July, 1874, to 1st July, 1879, and since 1st July, 1879, to date. (*Not printed.*)
- No. 121a. Return to Order; Reports from General Luard or any other officer or Court, relating to the command or discipline observed in the 27th Battalion of Volunteer Militia, or any complaints from any officer of the Battalion. (*Not printed.*)
- No. 122. MR. JUSTICE JETTÉ:—Return to Order; Copy of the opinion or judgment of Mr. Justice Jetté, in a recent case affecting the validity of a marriage in the Province of Quebec, in which certain questions were referred to an ecclesiastical authority. (*Not printed.*)
- No. 123. CAPTAIN ALLAN:—Return to Address; Correspondence, &c., relating to the dismissal or resignation of Captain Allan from the Public Service. (*Not printed.*)
- No. 124. HALF-BREED MINORS' CLAIMS:—Return to Order; Copies of all Claims made under the Manitoba Act, by Half-breed Minors and others, who were temporarily absent on the 15th July, 1880. (*Not printed.*)
- No. 125. GEORGIAN BAY:—Return to Order; Correspondence concerning the Boat Licensing System and its operation as it affects the Georgian Bay, Ontario; and with regard to the formation of a company to become licensees of the fishing grounds. (*Not printed.*)
- No. 126. SOURIS HARBOR, P.E.I.:—Return to Order; Correspondence, &c., relating to the Harbor Improvements at Souris West, in Prince Edward Island. (*Not printed.*)
- No. 127. HAMILTON CUSTOM HOUSE:—Return to Order; Petition of the citizens of Hamilton for the purchase of a site and erection thereon of a new Custom House, &c. (*Not printed.*)

- No. 128. PUBLIC PRINTING WITHOUT CONTRACT :—Return to Address; Showing the amount paid for printing by Order of the Government to any person other than the contractor for Parliamentary Printing.
- No. 129. ADVERTISING :—Return to Order; Showing the amount paid for advertising in the various newspapers, with a list of the same. (*Not printed.*)
- No. 130. BRIDGE OVER ST. JOHN RIVER :—Return to Address (*Senate*); Correspondence between the Government of Canada and any parties interested or offering to construct a bridge across the Falls of the St. John River at St. John, N.B.
- No. 131. WINDSOR AND ANNAPOLIS RAILWAY :—Return to Order; Statement showing separately the gross earnings on local and through traffic on the lines of railway worked by the Windsor and Annapolis Railway Company, and the mode of division by which the sum of \$21,216 is arrived at as payable to the Government. (*Not printed.*)
- No. 132. VANCOUVER ISLAND RAILWAY :—Return to Address; Correspondence, &c., relating to the construction of a railway on Vancouver Island. (*Not printed.*)
- No. 133. CASCUMPEC HARBOR, P.E.I. :—Return to Order; Correspondence with the Department of Public Works having reference to improvement of Cascumpec Harbor, Prince County, P.E.I. (*Not printed.*)
- No. 134. FISH INSPECTION :—Return to Order; Statement showing the quantity of each kind of Fish inspected in each district in which an inspector has been appointed, the fees charged in each case, and the gross amount received in the year 1881. (*Not printed.*)
- No. 134a. Return to Order; Papers relating to the importation of pickled herring, &c., from Newfoundland or the Labrador Coast, and the inspection of such fish in Newfoundland, &c. (*Not printed.*)
- No. 135. FERRIES BETWEEN CANADA AND UNITED STATES :—Return to Address; Orders in Council regulating ferries between points in Canada and the United States. (*Not printed.*)
- No. 136. CUSTOMS CIRCULARS :—Return to Order; Circulars, &c., issued by the Customs relating to the interpretation of the several classes of goods imported, and the duties to be levied thereon from the 1st January, 1874, to 14th March, 1879. (*Not printed.*)
- No. 136a. Return to Order; Circulars, &c., issued by the Customs relating to the interpretation of the several classes of goods imported, and the duties to be levied thereon since March 14, 1879, to 1st February, 1882. (*Not printed.*)
- No. 137. MORSE, D. J., DISMISSAL OF :—Return to Order; Correspondence in reference to the dismissal of D. J. Morse, as sub-Collector of Customs, at Bear River, in the County of Annapolis. (*Not printed.*)
- No. 138. MALT LIQUORS, DUTIES ON :—Return to Order, of the various modes which have hitherto been adopted for collecting duties from malt and malt liquors; also any information as to the mode in vogue in the United States and Great Britain. (*Not printed.*)
- No. 139. TRAMWAY AT GRAND RAPIDS, SASKATCHEWAN :—Return to Order; Concerning the granting of a Charter to the Hudson's Bay Company to construct a tramway around the North Shore of the Grand Rapids of the Saskatchewan.
- No. 140. ARISAIG AND CAPE GEORGE PIERS, AND BAYFIELD BREAKWATER, N.S. :—Return to Order; Reports of Engineers and Petitions respecting Arisaig Pier, Cape George Pier, and Bayfield Breakwater, N.S., since 30th September, 1878. (*Not printed.*)
- No. 141. PROVINCIAL LEGISLATURES, ACTS OF :—Return to Address; Return of all Provincial Acts passed by the several Local Legislatures, and disallowed by the Government of the Dominion since July, 1867; also those that have been amended in conformity with the request of the Dominion Government, and also of those which have been declared *ultra vires* by Her Majesty's Privy Council, &c.
- No. 141a. Return to Address; Correspondence, &c., relating to Acts or reserved Bills of Provincial Legislatures not already asked for by Address or Order of the House.

- No. 141b. **PROVINCIAL LEGISLATURES, ACTS OF:**—Return to Address (*Senate*); Correspondence, &c., relating to Acts of Provincial Legislatures passed since 1st January, 1880, or reserved for the signification of Her Majesty's pleasure thereon.
- No. 142. **PUBLIC BUILDINGS, MANITOBA:**—Report of a Committee of the Hon. the Privy Council, approved by His Excellency the Governor General on the 8th April, 1880, respecting a Memorandum, dated 20th March, 1880, of the Delegates of the Province of Manitoba, appointed to confer with the Privy Council in relation to the erection of Public Buildings, &c. (*Not printed.*)
- No. 143. **HEALTH OFFICERS, HALIFAX AND ST. JOHN:**—Return to Order; Circulars and instructions issued to the Health Officers at Halifax and St. John, N.B., in regard to vessels arriving at those Ports and having contagious diseases on board. (*Not printed.*)
- No. 144. **TORONTO HARBOR:**—Memorandum with Plan relating to the past and present state of the Harbor of Toronto, Ontario, prepared by direction of the Hon. Sir Hector Langevin, C.B., Minister of Public Works, and Report by James B. Eads, Esq., C.E.
- No. 145. **COWICHAN RIVER:**—Return to Order; Statement showing the money expended on Cowichan River and the Surveyor's Report as to the completion of the work as per contract. (*Not printed.*)
- No. 146. **PRINCE EDWARD ISLAND RAILWAY:**—Return to Order; Statement showing list of articles on which Freight rates have been lowered on the Prince Edward Island Railway since 1878, also, relating to further lowering of rates, including Passengers' Fares. (*Not printed.*)
- No. 146a. Comparative Statement of operations, Prince Edward Island Railway, from 30th June, 1875, to 30th June, 1881.
- No. 146b. Return to Order; Correspondence, &c., relating to the construction of a Branch Railway between Harmony Station, on Prince Edward Island Railway, and East Point.
- No. 147. **EXPORTS AND IMPORTS:**—Return to Order; Summary Statement for the six months ending December 31st, 1881, of the quantity and value of the exports of each Province and for the Dominion, of the Produce of the Mine, Fisheries and Forest, &c. Also, Statement of the Imports of the same articles for the same period.
- No. 148. **DRAWBACKS ON GOODS:**—Return to Order; Return of all claims presented for Drawbacks on goods manufactured for export since January 22nd, 1881, showing the names of all applicants, &c. (*Not printed.*)
- No. 149. **McLAREN vs. CALDWELL, AND STREAMS BILL:**—Return to Address; Copy of the Judgment of the Court of Chancery and the Court of Appeal of Ontario in the case of McLaren vs. Caldwell *et al.* Also correspondence relating to the disallowance of the Streams' Bill. (*Not printed.*)
- No. 149a. Return to Address; Correspondence, &c., relating to an Act of the Legislature of the Province of Ontario, intitled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks," disallowed by His Excellency in Council.
- No. 150. **FLETCHER, THOMAS:**—Return to Address; Correspondence and all other documents connected with the Petition to be set at liberty, made by Thomas Fletcher, sentenced 8th June, 1881, by the Court of General Sessions of the Peace for the District of Montreal. (*Not printed.*)
- No. 151. **NEW BRUNSWICK, CONVICTIONS IN COUNTY COURTS:**—Return to Order; Return of persons convicted in the Circuit and County Courts of New Brunswick during the past three years; the sentences imposed, and also of the Prisoners in the Penitentiary under the commitment of the Police Magistrates of the City of St. John, and Town of Portland. (*Not printed.*)
- No. 152. **FISHING LICENSES, ST. VALIER:**—Return to Order; Reports, &c., respecting the Fisheries and Fishing Licenses granted to François Ruelland and Jean B. Langlois, of St. Valier, &c. (*Not printed.*)
- No. 153. **VOLUNTEER COMPANIES, ALGOMA:**—Return to Order; Applications made to the Department of Militia and Defence to be allowed to form Volunteer Companies in the District of Algoma. (*Not printed.*)

- No. 154. MANITOBA, ADMINISTRATION OF JUSTICE :—Return to Address ; Correspondence with reference to any commission issued by the Local Government of Manitoba, affecting the mode of administering justice in that Province. (*Not printed.*)
- No. 155. CASTLE GARDEN PROPERTY, QUEBEC :—Supplementary Return to Order (20th December, 1880) for papers which have been furnished the Government in support of the claim of Henry A. P. Holland, to the Castle Garden Property, Quebec. (*Not printed.*)
- No. 156. ST. ANACLET RAILWAY STATION :—Return to Order; Correspondence between the Government and interested persons of St. Anaclet and of Point au Pères, respecting the erection of a Railway Station in the Parish of St. Anaclet. (*Not printed.*)
- No. 157. KINGSTON AND PEMBROKE RAILWAY :—Return to Order; Correspondence, &c., respecting complaints against the location and manner of working of the Kingston and Pembroke Railway in the City of Kingston. (*Not printed.*)
- No. 158. PEMBROKE AND CANADA CENTRAL RAILWAY :—Return to Address ; Copy of a Petition presented to His Excellency by the Corporation of the Town of Pembroke, in the County of Renfrew, dated 30th January, 1879, praying that the said Town may be relieved from the payment of a bonus of \$75,000.00 granted to the Canada Central Railway to secure the extension of the said Railway. (*Not printed.*)
- No. 159. COUNTY COURT JUDGES :—Return to Address; Correspondence in relation to the tenure of office of the County Court Judges in any of the Provinces. (*Not printed.*)
- No. 160. EXTRADITION :—Return to Address; Correspondence as to Extradition and as to the last Canadian Extradition Act. (*Not printed.*)
- No. 161. RAINY RIVER, WATER POWERS :—Return to Order; Showing the Report and Survey of Mr. McLatchie, D.L.S., on the water powers on the Rainy River, at or near Rat Portage. (*Not printed.*)
- No. 162. CUSTOMS' SEIZURES, HUDSON'S BAY :—Return to Order; Return of all Customs' Seizures, made at Moose, York, Churchill and all other Ports in Hudson Bay during the past seven years. (*Not printed.*)
- No. 163. CANADA TEMPERANCE ACT :—Return to Order; Annual Returns made by the Licensed Druggists or vendors of Liquors under the Canada Temperance Act of 1878, where the law has been adopted. (*Not printed.*)
- No. 164. RAILWAYS IN MANITOBA :—Return to Address; Correspondence affecting any Railway Companies chartered either by the Legislature of Manitoba or by the Parliament of Canada, in Manitoba or the North-West, relating either to grants or reservations of lands or questions of route. (*Not printed.*)
- No. 165. MAGEE'S, MR., REMOVAL FROM OFFICE :—Return to Order; Correspondence, &c., respecting the removal from office of Mr. Magee, lately Postmaster at Greenwood, N.S., and the appointment of Marsden Foster. (*Not printed.*)
- No. 166. WINNIPEG [SOUTH EASTERN RAILWAY :—Return to Address (*Senate*); Correspondence, &c., relating to an Act of the Legislature of the Province of Manitoba, intitled: "An Act to incorporate the Winnipeg South Eastern Railway "Company," disallowed by His Excellency in Council.
- No. 167. JUDICIAL APPOINTMENTS IN QUEBEC :—Return to Address; Representations made during the last twelve months by either of the sections of the Bar of the Province of Quebec with reference to judicial appointments in that Province. (*Not printed.*)
- No. 168. FISH-BREEDING ESTABLISHMENT :—Return to Order; Showing the number and situation of Fish-breeding Establishments throughout the Dominion.
- No. 169. POST OFFICE, ALMA, N.B., ROBBERY AT :—Return to Order; Correspondence, &c., in connection with the robbery of the Post Office, kept by Nathan Cleveland, at Alma, Albert County, N.B. (*Not printed.*)
- No. 170. MARRIAGE LICENSES, NEW BRUNSWICK :—Return to Address (*Senate*); Correspondence between the Government of Canada and that of New Brunswick, concerning certain Acts passed by the Legislature of New Brunswick in 1869, as to Marriage Licenses, the publication of banns, and the proper persons. (*Not printed.*)

- No. 171. **IMPORT DUTIES, MANITOBA AND ROCKY MOUNTAINS**:—Return to Order; Return of all import duties collected at or near the boundary line between the Province of Manitoba and the Rocky Mountains. (*Not printed.*)
- No. 172. **PROVISIONAL DISTRICTS, N. W. T.**—Message transmitting copy of a minute of the Privy Council of Canada, dated 8th May, instant, on the subject of the establishment of the Provisional Districts in the North-West Territories. (*Not printed.*)
- No. 173. **HURON AND ONTARIO SHIP CANAL**:—Return to Order; Correspondence, &c., by the Huron and Ontario Ship Canal Company or by other parties, on the subject of the construction of a Ship Canal to connect the waters of Georgian Bay with those of Lake Ontario. (*Not printed.*)
- No. 174. **CORNWALL CANAL, LOCK GATES**:—Return to Order; Copy of advertisements and tenders in connection with the contract for new Lock Gates for the Cornwall Canal given last summer. (*Not printed.*)
- No. 175. **GRENVILLE CANAL, TOLLS ON LUMBER, &c.**:—Return to Order; Showing the number of feet, board measure, of lumber, and the number of thousands of shingles and laths, which passed through the Grenville Canal, during the years 1879, 1880 and 1881, on which tolls were paid. (*Not printed.*)
- No. 176. **ENGINEERS AND FIREMEN, PUBLIC BUILDINGS**:—List of names, address, and rate of pay of the Engineers and Firemen employed in the Public Buildings, Canada, and the amount required to pay the same, when transferred to the Public Works Department. (*Not printed.*)
- No. 177. **ROSS, LIEUT.-COL. WALTER**:—Return to Address; For copies of all charges made, against Lieutenant-Colonel Walter Ross, of the 16th Battalion Volunteer Militia, while in command of the camp at Picton. (*Not printed.*)
- No. 178. **LUMBER, KINGSTON, BROCKVILLE AND PRESCOTT, SHIPPED FROM**:—Return to Order; Showing the number of square feet of Lumber, of different kinds, shipped from the Ports of Kingston, Brockville and Prescott, during the years 1879, 1880 and 1881, together with the total value of each description. (*Not printed.*)
- No. 179. **GASPÉ, APPOINTMENT OF A JUDGE**:—Return to Order; Documents respecting the appointment of a Judge in the County of Gaspé, and the system of judicial decentralization in Canada. (*Not printed.*)
- No. 180. **POTTS, THOMAS, MISSING LETTERS**:—Return to Order; Correspondence between Thomas Potts, of St. John, N.B., and the Honorable the Finance Minister, the Honorable the Postmaster General, and the Honorable the Minister of Agriculture, or any officers in their Departments, regarding the destruction or abstraction of letters addressed to him from the Department of Agriculture. (*Not printed.*)
- No. 181. **HOPEWELL CORNER POST OFFICE**:—Return to Order; For correspondence, &c., forwarded to the Government or any Department thereof, relating to the change of name of the "Hopewell Corner" Post Office to that of "Albert," in the County of Albert, N.B. (*Not printed.*)
- No. 182. **M. C. UPPER**:—Relating to damages sustained by the *M. C. Upper* in the Welland Canal by the breaking of the lock-gates.
- No. 183. **PORT WARDEN ACTS**:—Return to Order; Correspondence between the Department of Marine and Fisheries and persons in Montreal relative to the taxation and expenditure under the Port Warden Acts. (*Not printed.*)
- No. 184. **MONTREAL HARBOR COMMISSIONERS**:—Return to Order; Last regulations of the Montreal Harbor Commissioners and the Petition of the Boatmen of St. Francis, &c., complaining of the said regulations. (*Not printed.*)

## RETURN

(49)

To an ORDER of the HOUSE OF COMMONS, dated 15th February, 1882:--For  
Copies of the Report of the Engineer who made the Survey of the  
Harbor of Port Daniel in 1881.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
25th February, 1882.

*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]*



## RETURN

(50)

To an ORDER of the HOUSE OF COMMONS, dated 18th February, 1882 :—For a Return, in the form used in the Statements usually published in the *Gazette*, of the Exports and Imports from the 1st day of July to the 1st day of January, in each Year, 1877, 1878, 1879, 1879, 1880, 1881 and 1882.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
24th February, 1882.

*Secretary of State.*

## RETURN

(51)

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1881 :—For a Statement showing the total value of Wood, manufactured or unmanufactured, exported from the United Counties of Chicoutimi and Saguenay during the Year ending 30th June last.

By Command,

JOHN O'CONNOR,

Department of the Secretary of State,  
21st March, 1881.

*Secretary of State.*

## RETURN

(52)

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1881 :—For a Statement showing the total value of Fish, Fish Oil, Furs and Skins of Marine Animals, exported from the United Counties of Chicoutimi and Saguenay, during the Year ending the 30th June last.

By Command,

JOHN O'CONNOR,

Department of the Secretary of State,  
21st March, 1881.

*Secretary of State.*

*[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]*

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## RETURN

(53)

To an ORDER of the HOUSE OF COMMONS, dated 16th February, 1882:—For a Return showing the Amount received for Duties at the Ports of Moose, York and Churchill, during the years 1876 to 1881, inclusive; also the Amount paid to Customs Officers at the several Ports.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
24th February, 1882.

*Secretary of State.*

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## RETURN

(54)

To an ORDER of the HOUSE OF COMMONS, dated 17th February, 1882:—For Copies of all Correspondence between the Government of Canada and any other parties in reference to the proposed Railway from Manitoba to Hudson Bay.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
7th March, 1882.

*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed.]

## RETURN

(55)

To an ORDER of the HOUSE OF COMMONS, dated 15th February, 1882 :—For copies of three Circulars asking for information, recently directed under instructions of the Minister of Finance to several of the Banks, with the names of the Banks to which they were directed.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th February, 1882.

*Secretary of State.*

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NAMES OF THE BANKS TO WHOM CIRCULARS WERE ADDRESSED.

Exchange, Montreal.  
Hochelaga, do  
Nationale, Quebec.  
Peuple, Montreal.  
Jacques Cartier, Montreal.  
Union of Lower Canada, Quebec.  
Montreal, Montreal.  
Commerce, Toronto.  
British North America, Montreal.  
Merchants, Montreal.  
Molson's, do  
Ontario, Toronto.  
Quebec, Quebec.  
Toronto, Toronto.  
Dominion, do  
Federal, do  
Imperial, do  
Standard, do

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TREASURY BOARD OFFICE, OTTAWA, 16th December, 1881.

SIR,—I am directed by the Hon. the Minister of Finance to inform you that in accordance with a recommendation to that effect from the Hon. the Treasury Board, he has decided to put into effect the powers granted to him by 43 Vic., c. 22, sec. 4, and to procure special returns from Banks doing business in Montreal and Toronto.

I am in consequence directed to ask you to forward to me as speedily as possible under cover marked "private and confidential," the following statements in full detail of advances, &c., as in existence at this date at your (Montreal or Toronto offices or Montreal and Toronto offices), as the case may be.

1. Loans, discounts, or advances for which stock, bonds or debentures of Municipal or other Corporations or Dominion, Provincial, British or Foreign public securities other than Canadian, are held as collateral securities, being the same as column No. 11, in the monthly return rendered to the *Canada Gazette*, except that the details are required in full.

2. Other current loans, discounts and advances to the public, with full particulars as regards the currency of the loans, the endorsers, if any, and the securities held being the same as column No. 16, in the monthly return rendered to the *Canada Gazette*, except that the details are required in full.

3. Notes and bills discounted, overdue and other overdue debts secured by mortgage or other deed on real estate, or by deposit of, or lien on stock or by other securities being the same as column No. 19, in the monthly return rendered to the *Canada Gazette*, except that the details are required in full.

4. Other assets not included under the foregoing heads, being the same as column No. 21, in the monthly return rendered to the *Canada Gazette*, except that the details are required in full.

5. A list of the names of the staff at your offices (in Montreal and Toronto, or Montreal or Toronto), as the case may be, to include head office clerks, transfer clerks and clerks in all branches.

6. A list of the bank shares, if any, held in the names of any of your staff (at Montreal and Toronto or Montreal or Toronto), as the case may be, whether in trust or in individual names upon which advances have been made by the bank or which are held as collateral security by the bank.

I have, &c., &c.,

J. M. COURTNEY, Secretary.

TREASURY BOARD OFFICE, 23rd December, 1881.

SIR,—I have the honor to inform you that for the purposes required by the circular of the 16th instant, it has been decided to strike out the second question and substitute therefor the following:

"Other current loans, discounts and advances to stock-brokers and others, for which bank stocks are held, either directly or indirectly, as security.

I have, &c., &c.,

J. M. COURTNEY, Secretary.

TREASURY BOARD OFFICE, OTTAWA, 27th Dec., 1881.

SIR,—I am directed by the Honorable the Minister of Finance to inform you that he has had under consideration the representation made to him by some of the Banks that the preparations of the returns called for would involve considerable time and labor, and as the object to be accomplished is to ascertain whether, in any case, there has been any contravention of the law prohibiting loans on Bank stocks, I am now to inform you that it has been decided to modify the circular and to request that returns as under be sent in marked "Private and Confidential," as to advances, &c., in existence at your Montreal and Toronto offices on the 16th instant.

1. Loans, discounts or advances for which bank stocks are held as collateral security.

2. The same as modified in the circular of the 23rd inst., viz.: other current loans, discounts and advances to stock brokers and others, for which bank stocks are held either directly or indirectly as security.

3. Notes and bills discounted, overdue and other overdue debts secured by bank stock.

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4. Other assets, not included under the foregoing heads, limited to those for which bank stocks are held directly or indirectly.

5. A list of bank stocks, if any, held in the names of any of your staff, at Montreal or Toronto, whether in trust or in individual names, upon which advances have been made by the bank, or which are held as collateral security by the bank.

I am to ask you to be good enough to send in the returns at your earliest convenience.

I have, &c.,

J. M. COURTNEY, Secretary.

## RETURN

(56)

To an ORDER of the HOUSE OF COMMONS, dated 15th February, 1882:—For Copies of the Report of the Engineer who made the Survey of the Harbour of Paspebiac in 1874 and 1875.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
28th February, 1882.

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## OFFICIAL RETURN

(57)

Of the Distribution of the Dominion Statutes, being 44th Victoria, 3rd Session of the 4th Parliament, 1880-81, Vols. 1 and 2 separately and together, English and French versions, half law sheep.

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## STATEMENT

(58)

Of all Bonds and Securities registered in the Department of the Secretary of State of Canada, under the Act 31 Victoria, Chapter 37, Section 15.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Returns and Statement are not printed.]*

## RETURN

(59)

To an ORDER of the HOUSE OF COMMONS, dated 14th February, 1882;—

For a Statement showing :

1. The amount, in detail, for each County, of the Revenue produced by the Duty on Canadian Tobacco.
2. The amount, in detail, of the cost of collecting the Duties on Canadian Tobacco.
3. The amount produced by Fines levied for contravention of the law in relation to Canadian Tobacco. The whole for the period between the 1st January and 31st December, 1881.

By command.

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
28th February, 1882.

A.—REVENUE from Canadian Tobacco, from 1st January to 31st December, 1881.

Inland Revenue Divisions.	Territory comprised in each Division.	Made by Cultivators.		Canadian Tobacco paid Duty ex-Manufactory.			License Fees.	Total Revenue received.
		Canada Twist paid Duty.		Tobacco at 14c. per lb.	Cigars at 30c. per lb.	Duty.		
		Lbs.	Duty. \$ cts.					
Quebec	Wellington, Waterloo.			Lbs.		Lbs.	\$ 25 00	\$ 61 00
Ottawa	Ottawa City, Carleton and Russell in Ontario; Ottawa and Pontiac in Quebec.					120		
Windsor	Essex, Kent	4,068	162 72					162 72
Beauharnois	Beauharnois, Châteauguay, Huntingdon	585	23 40					73 40
Joliette	Berthier, Joliette, Montcalm, L'Assomption	2,482	99 28				50 00	99 28
Montreal	Montreal City, Hochelaga, Jacques Cartier, Laval, Vaudreuil, Soulanges, La Prairie, Chamby, Drummond and Athabaska.	313,678½	12,547 15					12,547 15
Quebec	Quebec City and County, Montmorency, Port Neuf, Lotbinière, Bellechasse, Beauce, Mégantic, and east thereof.	22,424½	896 97	1,180	3,504½	11	125 00	1,330 64
Sorel	Richelieu, Verchères, Yamaska	32,283½	1,291 34					1,291 34
St. Hyacinthe	St. Hyacinthe (County and Town), Rouville, Bagot	58,065	2,322 60					2,322 60
St. Johns	Brome, Iberville, Missisquoi, Napierville, Shefford, St. Johns	26,622½	1,064 90			2,946	175 00	2,123 70
Terrebonne	Argenteuil, Two Mountains, Terrebonne	8,221½	328 86			967	290 10	688 96
Three Rivers	City of three Rivers, Champlain, Maskinongé, Nicolet, St. Maurice	7,571½	302 87					302 87
	Total	28,268	1,130 72	2,669		1,279½	757 51	1,963 23
		504,270½	20,170 81	3,849	3,504½	5,323½	2,276 08	22,946 89

A. BRUNEL,  
Commissioner.

INLAND REVENUE DEPARTMENT,  
OTTAWA, 16th February, 1882.



B.—STATEMENT showing the Amount, in detail, of the Cost of Collecting the Duties on Canadian Tobacco, from 1st January to 31st December, 1881.

Division.	Name of Officer.	Salary.	Contingent Expenses	Remarks.
		\$ cts.	\$ cts.	
Ottawa .....	R. S. Park .....	150 00	784 58	
Joliette .....	H. Cornellier .....	499 92	333 68	
	A. Lafontaine .....	137 90	300 73	
Montreal .....	J. Loranger .....	499 92	637 02	
c.....	O. Bourget .....	499 92	210 60	
	Louis Lépine .....	499 92	182 96	
	R. Simard .....	150 00	69 88	
	J. B. Petit .....	150 00	.....	
	S. Dionne .....	367 99	48 18	
Sherbrooke .....	W. J. Paige .....	499 92	.....	
Sorel .....	Joseph Duguay .....	499 92	593 68	
St. Johns .....	James Leprohon .....	499 92	262 50	
St. Hyacinthe .....	V. Gareau .....	364 18	92 00	
Terrebonne .....	A. Piché .....	166 64	54 06	
	C. A. Bradford .....	499 92	10 70	
	L. Vermette .....	333 28	139 67	
Three Rivers .....	C. Z. Duplessis .....	499 92	88 17	
		6,319 27	3,808 41	

SUMMARY.

Salaries .....	\$6,319 27
Contingent expenses .....	3,808 41
Cost of stamps used .....	1,750 00
Commission for sale of stamps .....	954 71
Total .....	12,832 39

A. BRUNEL,  
Commissioner.

INLAND REVENUE DEPARTMENT,  
OTTAWA, 17th February, 1882.

C.—STATEMENT showing the Amount produced by Fines levied and Seizures made for contravention of the Law in relation to Canadian Tobacco, from 1st January to 31st December, 1881.

No. of Seizure.	Division.	From whom Seized.	Gross Proceeds.		Fines Imposed.	Duty to which Seized Tobacco is liable.	Net Amount.			
			\$	cts.	\$	cts.	\$	cts.		
4	Beauharnois	U. J. Robillard	20	00		8	00	12	00	
6	do	Charles Scott	2	04		0	68	1	36	
3	Joliette	E. Omon	3	50						
7	do	F. Rivet	2	45		1	70	0	75	
8	do	O. Chevalier	1	25		0	45	0	80	
9	do	L. Pellant	0	46		0	14	0	32	
12	do	F. Forest	0	88		0	44	0	44	
13	do	H. Durand	5	32		1	65	3	67	
15	do	E. Fisk	0	84		0	84			
328	Montreal	J. Edmond	1	54		1	54			
331	do	N. Arbour	4	90		4	90			
332	do	F. Legault	1	64		1	64			
342	do	J. F. Lavigne	3	92		3	92			
343	do	C. Beaudry, fils	36	00		16	00	20	00	
344	do	T. E. Langevin	70	42		32	40	38	02	
349	do	O. Champagne	10	50		10	00	0	50	
350	do	H. Duford	1	20		1	00	0	20	
352	do	B. Lefebvre	3	15		3	00	0	15	
334	do	Maison Desroches	18	78		16	72	2	06	
353	do	A. Berthiaume	1	44		1	20	0	24	
354	do	E. Charbonneau	1	20		1	00	0	20	
355	do	J. Bourdon	9	60		8	00	1	60	
356	do	J. Forest	32	22		27	60	4	62	
357	do	I. Forest	5	28		4	40	0	88	
358	do	D. Plante	7	20		6	00	1	20	
359	do	J. Tougas	1	20		1	00	0	20	
373	do	H. Larose	1	50		0	36	1	14	
103	Quebec	L. Gamache	25	00	25	00			25	00
105	do	M. Boyce	1	96		1	96			
106	do	J. Turcotte	5	30		2	66	2	64	
110	do	Blumhart & Riverin	26	40	25	00	1	40	25	00
111	do	O. Laberge	26	96	25	00	1	96	25	00
112	do	A. Drolet	31	83	25	00	6	86	25	00
113	do	N. Dion	25	70	25	00	0	70	25	00
114	do	F. Lacroix	28	67	25	00	3	67	25	00
115	do	J. E. Venner	37	74	25	00	12	74	25	00
117	do	N. W. Bertrand	28	91	25	00	3	91	25	00
125	do	T. Paré	6	75		3	80	2	95	
126	do	J. Marier	50	32	50	00	0	28	50	04
127	do	B. Paquette	1	20		0	48	0	72	
129	do	P. Dupuis	3	30		0	88	2	42	
130	do	D. Thibeau	52	08		13	88	38	20	
131	do	Jean Boucher	84	72	50	00	8	68	76	04
132	do	Dashon & Co.	8	40		2	24	6	16	
133	do	L. Frenette	137	64		119	56	18	08	
12	St. Hyacinthe	Pierre Phaneuf	0	70		0	24	0	46	
13	do	Joseph Moreau	3	00		1	88	1	12	
		Total	835	04	300	00	342	36	489	18

A. BRUNEL,  
Commissioner.

INLAND REVENUE DEPARTMENT,  
OTTAWA, 24th February, 1882.

## RETURN

(59a)

To an ORDER of the HOUSE OF COMMONS, dated 17th February, 1882:—For a Statement showing:—The amount of Duties collected on Canadian Tobacco, whether manufactured Twist or in the Leaf. The amount of Stamps issued for Duties on Canadian Tobacco from 1879 up to this date: The amount paid for the preparation and distribution of such Stamps. The amount paid by way of Commission for the sale of such Stamps by Districts: the number of persons employed in the distribution of Licenses for the cultivation of Canadian Tobacco and in collecting the Duties thereon: The Salaries of such persons, or the Commission received by them. All or any Expenses of such persons defrayed out of the Public Chest.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
2nd March, 1882.

## RETURN

(59b)

To an ORDER of the HOUSE OF COMMONS, dated 17th February, 1882:—For a Return of all Canadian grown Tobacco, manufactured or unmanufactured seized by Officers of the Department of Inland Revenue within the Province of Quebec, during the years 1875, 1876, 1877 and 1878, specifying 1st, the date of Seizure; 2nd, the Names of the Parties from whom seized; 3rd, the Inland Revenue Division in which it was seized.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
2nd March, 1882.

[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

**RETURN**

(59c)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882:—For a List of all persons appointed as Tobacco Inspectors, under the Act 42 Victoria, Chapter 19.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd May, 1882.

*Secretary of State.***RETURN**

(59d)

To an ORDER of the HOUSE OF COMMONS, dated 1st May, 1882:—For a Statement showing the Names of the Persons in the Second Registration District of the County of Rimouski, who have paid the Tax on Tobacco of their own growth, sold by them to the several Postmasters or other Officials authorized to collect the Revenue.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
9th May, 1882.

*Secretary of State.***RETURN**

(60)

To an ORDER of the HOUSE OF COMMONS, dated 16th February, 1882:—For Copies of Reports of H. F. Perley, Esq., Chief Engineer, Department of Public Works, respecting Kingsville Harbor.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
2nd March, 1882.

*Secretary of State.*

[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]

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## RETURN

(61)

To an ORDER of the HOUSE OF COMMONS, dated 16th February, 1882 :—For a Return showing the number of Seizures made at each Port of Entry in the Dominion during the fiscal year ending 30th June, 1881; the amount of Fines exacted at each Port during said year; and the manner in which said Fines were disposed of, giving the Names of the Officers receiving any portion thereof, and the Amount received by each of such Officers from said Fines.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd March, 1882.

*Secretary of State.*

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## RETURN

(61a)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882 ;—For a Return showing the number, nature and cause of the several Seizures made at the different Ports of Entry of the Dominion, from the 30th day of June, 1881, to the 1st day of January, 1882, and the amount of Fines exacted in each case disposed of.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
7th March, 1882.

*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed.]

## RETURN

(62)

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1881:—For a Copy of all Rules and Regulations for the Inspection of Steamboats, in force in the years 1879 and 1880; also a Copy of any Inspector's Certificate granted to the Steamer "Waubuno" navigating the waters of the Georgian Bay, Lake Huron, in the year 1879, and of any Report, if any, that may have been made by any Inspector relative to the said Steamer for the same year; also Copy of Certificate granted to the Steamer "Simcoe" navigating said waters during the year 1880, as also Copy of Report, if any, that may have been made by any Inspector relative to the said Steamer during the said year.

By Command,

JOHN O'CONNOR,

Department of the Secretary of State,  
2nd March, 1882.

Secretary of State.

## RETURN

(63)

To an ORDER of the HOUSE OF COMMONS, dated 14th March, 1881:—For a Return of all Reports respecting the condition of the Engines and Boilers of the Government Steamer "Napoleon III." since 1st January, 1878; also Copies of Tenders for new Engines and Boilers, and all Correspondence with Tenderers and the Agent in Quebec since the same date; the cost of Repairs to her old Boilers and Engines for 1880, probable cost of Repairs to same for 1881, and Copies of Reports stating the condition of the old Boilers and Engines after such Expenditures.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
2nd March, 1882.

Secretary of State.

[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(64)

To an ORDER of the HOUSE OF COMMONS, dated 17th February, 1881:—For a Statement showing the number of Vessels propelled by Wind or Steam, mentioning their Tonnage, which were built in the United States, and registered in Canada, between the 1st day of January, 1878, and the 1st day of January, 1880; and also the Amount collected when such Sailing or Steam Vessel was registered.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
14th February, 1882.

## RETURN

(64a)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882:—For a Return showing the Name and Number of all Boats or Sailing Vessels lost on Canadian Inland Waters since 1870, with the value of property, and number of lives lost, and the known or supposed cause of the losses.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
11th March, 1882.

## RETURN

(64b)

To an ADDRESS of the HOUSE OF COMMONS, dated 17th February, 1882:—For Copies of all Correspondence between the Government of Canada and any other parties in reference to loss of Vessels on our Inland Waters in consequence of overloading or shifting of Cargoes.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
27th March, 1882.

*In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]*

## RETURN

(65)

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1881:—For a Statement of the Annual Amounts collected on Ships frequenting the River Saguenay, from Tadousac to Chicoutimi inclusively, and all the different Ports in the whole County of Saguenay, from 1st July, 1867 to 1st July last; for the Sick and Disabled Mariners Fund.

By Command,

JOHN O'CONNOR,

Department of the Secretary of State,  
21st March, 1881.

*Secretary of State.*

## RETURN

(66)

To an ORDER of the HOUSE OF COMMONS, dated 14th March, 1881:—For a Return of all Tenders forwarded to the Department of Marine and Fisheries for the construction of new Feathering Wheels, Surface Condensers and Repairs to the Engine of the Government Steamer "Druid;" names of successful Contractors, their Bondsmen or amount of money deposited as security; Engineer's Reports and all Correspondence relative to said work.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
2nd March, 1882.

*Secretary of State.*

[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]



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## RETURN

(67)

To an ORDER of the HOUSE OF COMMONS, dated 16th February, 1882:—For a Copy of all Reports and Papers in connection with the dismissal of A. S. McEdwards, late Postmaster at Neustadt.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
7th March, 1882.

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## RETURN

(68)

To an ORDER of the HOUSE OF COMMONS, dated 16th February, 1882:—For Report of the Engineer appointed by the Government to ascertain the possibility and utility of the construction of a Wharf at Point aux Trembles, in the County of Portneuf, together with the Plans and all other Papers and Correspondence relating thereto.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
3rd March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

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## RETURN

(69)

To an ORDER of the HOUSE OF COMMONS, dated 9th February, 1881:—For a Copy of all Returns furnished by Railway Companies in Nova Scotia, under Act 38 Victoria, Cap. 25, intituled: “An Act to amend the Law requiring Railway Companies to furnish Returns of their Capital, Traffic and Working Expenses.”

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
2nd March, 1882.*Secretary of State.*

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## RETURN

(70)

To an ORDER of the HOUSE OF COMMONS, dated 14th March, 1881:—For a Return of all Correspondence between the Department of Railways and the Council of the City of Winnipeg on the subject of the Louise Bridge.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd March, 1882.*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed.]*

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## R E T U R N

(71)

To an Address of the SENATE, dated 19th March, 1881:—Praying His Excellency to be pleased to be caused to be laid before this House, Copies of all Letters, Documents and other writings bearing dates between January, 1874, and the 18th March, 1881, that may be found in the possession of the Department of Marine and Fisheries, relating to the rights of Joseph Goyette, Pierre Dionne and Toussaint Huot, in an Eel Fishery situate in the bed of the River Richelieu, between the opposite Towns of Iberville and St. Johns.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
6th March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]

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## RETURN

(72)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882:—  
For Copies of the Act passed by the Quebec Legislature at its last Session respecting Laval University; of all Petitions asking for the disallowance of the said Act; of the Reply of the University of Laval; and of all other Papers relating to the request for disallowance.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
6th March, 1882.

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## RETURN

(73)

To an ADDRESS of the SENATE, dated 1st February, 1881:—For any Correspondence or other Information the Government may have had respecting the sale of Canadian built Ships in France on the same favorable terms as are enjoyed by Vessels of British construction; also, any Information that the Government may be able to give to this House relative to the admission of French products into this Country on more favorable terms than at present.

By Command,

JOHN O'CONNOR,

*Secretary of State.*

Department of the Secretary of State,  
18th March, 1881.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed]

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## RETURN

(74)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882 :—For Copies of all Correspondence with the Department of Public Works or Petitions addressed to the Minister, asking the Government to provide for Telegraphic Communication between Cape Sable Island and the Mainland in the County of Shelburne.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
2nd March, 1882.

*Secretary of State.*


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## RETURN

(75)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882 :—For Copies of the Act passed by the Quebec Legislature in the Session of 1880, respecting Mines ; of all Petitions praying for the disallowance of the said Act ; of the Report of the Minister of Justice upon the said Petitions, and of all Orders in Council, Papers, and Documents relating to the said Petitions for Disallowance.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
6th March, 1882.

*Secretary of State.*


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[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed.]

## RETURN

(76)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882:—  
For all Correspondence which has taken place within the past two years, between the Government of the Dominion and the Government of Ontario, in reference to the arrears due to the Indians of Lakes Huron and Superior under the Robinson Treaty, together with any Petitions recently presented by the Indians on the same subject.

By command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th February, 1882.

*Secretary of State.*

SCHEDULE OF DOCUMENTS accompanying the Return to the House of Commons, relative to arrears due to the Indians, under the Robinson Treaty.

Petition from the Chiefs of the Fort William band to His Excellency the Governor General.

Letter from the Provincial Treasurer of the Province of Ontario to the Deputy Minister of Finance, dated 28th December, 1881.

J. M. Courtney to Hon. S. C. Wood.

J. M. Courtney to L. Vankoughnet, Esq.

J. M. Courtney to Hon. S. C. Wood.

J. M. Courtney to L. Vankoughnet, Esq.

TREASURY DEPARTMENT, ONTARIO, TORONTO, 28th December, 1881.

MY DEAR SIR,—I beg again to refer to your letter of 20th inst., with reference, amongst other matters, to the sale of the Indian lands on the north shore of Lakes Huron and Superior, and in which you call my attention to the Robinson Treaty.

Without questioning or consenting to the proposition of payment on the part of the Government of the Province of Ontario, I must ask you to define where those lands are, as the Robinson Treaty embraces territory on Lake Superior west, as well as east, of the line claimed formerly by the Dominion, but now by the Government of Manitoba.

I am, &c.,

S. C. WOOD.

J. M. COURTNEY, Esq., Deputy Minister of Finance.

*To His Excellency the Governor General:*

We, the Indians of the land of many waters, welcome Your Excellency to our country. Our loyalty to our Great Mother the Queen is steadfast and unalterable, and we beseech Your Excellency to convey to Her Majesty our respectful love.

This great country through which Your Excellency is now passing belonged, not long ago. To us, we inherited it from our ancestors; but the white man came, and all we now possess is confined to a few small patches in this vast territory.

We should not trouble Your Excellency with our grievances on an auspicious occasion like the present, when Your Excellency has come, as the representative of our Great Mother, to visit our country, but we may, nevertheless, mention that, on our ceding this territory, certain promises were made to us which have never been fulfilled, and even a written agreement entered into, which has not been carried out; even the trees on our small reserves are being cut off without our consent.

All this is known to the Government, for we have, year after year, sent in documents explaining our position and demanding simple justice, but so far without avail, and we pray Your Excellency to order that justice may be done to the Indians without further delay.

Your Excellency, we are sure, will pardon the poor Indians for mentioning these matters, for we have done so with the greatest reluctance. We are but a remnant, and a feeble one, of the once powerful tribes who inhabited these shores. Our race is passing away, and the day is not distant when the land of our fathers will know us no more. In the meantime, the white man might afford to deal at least justly, if not generously, with a people who will soon cease to trouble him. He has our silver mines and our forest, and is extracting vast treasures from these. Yet the miserable pittance due to the Indians is withheld.

But we have done with our grievances, and shall conclude by wishing Your Excellency a safe and agreeable journey to the land of the setting sun.

May God bless and preserve Your Excellency.

JOHN BATISTE BENESCI,  
LOUI CAPTAIN,  
ALEXI DABAGAR,

*Chiefs of the Fort William Band of Indians.*

FINANCE DEPARTMENT, OTTAWA, 20th December, 1881.

MY DEAR SIR,—I had hoped to have got away this week, but I am detained here. I trust, however, to be in Toronto very soon after the commencement of the New Year.

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The other point refers to the receipts from the sales of Indian lands on the shores of Lakes Huron and Superior, in connection with the Robinson Treaty. These lands have been sold by the Crown Lands Department, Ontario, since Confederation, and the Dominion Government have to pay, under the Treaty, the difference, yearly, between 93 cents and \$1 a head, some \$11,000. We claim that the surplus arising over the costs of surveys, &c., should be paid to us to meet the annuities; the full particulars are known to your Crown Lands officials, and, in the year 1879, were presented as a Return to the Dominion Parliament.

Yours, &c., J. M. COURTNEY.

Hon. S. C. Wood, Toronto.

FINANCE DEPARTMENT, OTTAWA, 29th December, 1881.

MY DEAR SIR,—I enclose to you a copy of a letter I have to-day received from the Treasurer of Ontario. As the matter is beyond me I think you had now better take it up. I will, however, if you send me a copy of Mr. Morris' book, send it to Mr. Wood, and he will then be able to see the treaty for himself. I hope to get off to Toronto towards the end of next week, as soon as the Provincial subsidies are paid.

Yours, &c., J. M. COURTNEY.

L. VANKOUGHNET, Esq.

FINANCE DEPARTMENT, OTTAWA, 30th December, 1881.

MY DEAR SIR,—I am not well up in the boundary matter, so I enclose copies of the Robinson Treaty that you may see for yourself the location of the lands. Your Crown Lands Department can tell you all about it, as they have rendered Returns to the Department of the Interior, or rather to that of the Indians. I'll send you a copy of the Return of 1879 as soon as I can get it from the House of Commons.

\* \* \* \* \*

Yours, &c.,

J. M. COURTNEY.

HON. S. C. WOOD, M. P. P., TORONTO.

FINANCE DEPARTMENT, OTTAWA, 20th January, 1882.

MY DEAR SIR,—I return all the papers connected with the payment of annuities to the Indians of Lakes Huron and Superior under the Robinson Treaties, and I have the honor to state that, when in Toronto recently, I called on the Treasurer of Ontario about this and other matters, and I was informed that, as the case was complicated by the contentions respecting the boundary, nothing could be done in the matter just now. I think, therefore, it would be better for your Department to act independently with regard to the land sales since Confederation. As regards the liability of the old Province of Canada, I may add that the Treasurer of Ontario has promised to hold himself in readiness, immediately after the Session, to examine, note and close up all accounts; this Department will be ready at the same time, and I will use my best endeavors to urge the Treasurer of Quebec to be also ready.

Yours, &c.,

J. M. COURTNEY.

L. VANKOUGHNET, Esq.



## RETURN

(77)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882 :—For Copies of all Reports in relation to improvements, &c., to be made on the Wharf at St. Michel, County of Bellechasse.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
8th March, 1882.

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## RETURN

(78)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882 :—For Copies of all Correspondence relating to the construction of the Acadia Steamship Company's Pier at Annapolis, and of any Estimates or Reports of the cost of that work.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
8th March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(79)

To an ORDER of the HOUSE] OF COMMONS, dated 6th March, 1882;—For copies of all correspondence between the Government of Canada and any other parties, having reference to the improvement of the Winter Communication between the Province of Prince Edward Island and the Mainland, with a view to keeping up daily Steam Communication for the Conveyance of Mails and Passengers, as stipulated in the Terms of the Union.

By command.

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
27th March, 1882.

RUSSELL HOUSE, OTTAWA, April 2nd, 1880.

SIR,—Referring to my interview with you on the 30th ult., relative to the proposed line of railway to the capes in New Brunswick and Prince Edward Island, I have the honor to submit to you the following reasons why the railway should not be built from Cape Traverse to County Line, but from Sea Cow Point to Summerside:—

1st. Because Sea Cow Point has a natural harbor sheltered from all winds except west and south-west, and the erection of a short breakwater at very moderate cost would secure protection from all winds, while at Cape Traverse there is no protection whatever.

2nd. At Sea Cow Point the shore is very bold, and there is a depth of 20 feet of water a few feet from the shore.

3rd. The harbor is well lighted by the lighthouse at Sea Cow Point.

4th. The distance from the end of the Prince Edward Island Railway wharf at Summerside, to the latter place is about four miles, and the cost of extending wharf to Holman's Island, and constructing the line from thence to Sea Cow Point, through a level section of the county, would be less than from County Line to Cape Traverse, (about 12 miles,) besides even relatively the claims for land damages will be very much more by the latter route.

5th. The distance from Sea Cow Point to Cape Tormentine is about four miles further than from Cape Traverse, but the latter is the narrowest part of the straits, and is much more liable to be blocked with heavy ice and lolly, the current being for days unable to move it, preference should be given to Sea Cow Point route for a steamer, as more open water there exists, and there is always less drift ice and lolly, and by taking advantage of tides the average passage could be made more quickly over the somewhat greater distance.

6th. The cost of an artificial harbor at Cape Traverse would be saved.

7th. In addition to these reasons Prince County would be shut off from direct communication with New Brunswick and the whole county, and especially the town of Summerside, would be seriously injured by the adoption of the County Line route, and the latter place, being a new inland station, it would not be appreciably benefited.

I have the honor to be, Sir, your obedient servant,  
EDWARD J. HODGSON.

Hon. SIR CHARLES TUPPER, K.C.M.G.,  
Minister of Railways and Canals.

## RAILWAYS AND CANALS, OTTAWA, April 6th, 1880.

SIR,—I am directed to acknowledge the receipt of your communication of the 2nd instant with reference to the proposed line of railway to the capes in New Brunswick and Prince Edward Island, and to inform you that your suggestions in that connection will receive due attention.

I have the honor to be, Sir, your obedient servant,

F. BRAUN, *Secretary.*

To EDWARD J. HODGSON, Esq., Russell House, Ottawa.

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER,  
OTTAWA, 9th December, 1881.

SIR,—I have the honor to report as follows upon the proposal in reference to the Chignecto Ship Railway submitted to the Hon. Minister of Railways by Mr. H. G. C. Ketchum in his letter dated the 7th ult, and referred to me.

The project under consideration is the construction, equipment and operation of a railway between the Bay of Fundy and the Gulf of St. Lawrence, of sufficient power and capacity to transport large ships and steamers with their cargoes, without breaking bulk.

This project I consider to be quite practicable, the construction of a substantial ship railway, such as Mr. Ketchum describes, being in my opinion a mere matter of cost, which there is no reason to doubt can be accomplished by skill and money.

The cost of construction and equipment of the proposed ship railway, and of an ordinary railway connecting Cape Traverse with the Prince Edward Island Railway, is altogether estimated by Mr. Ketchum at \$4,000,000. Upon this I am quite unprepared to offer an opinion in the absence of information upon which to base reliable calculations. Mr. Ketchum, however, offers to form a company for the construction and operation of both railways upon either of the following conditions, viz:—

1st. That the Dominion Government guarantee interest on the cost, and that the company receive such tolls, fees and fares as may be approved by the Governor General in Council.

2nd. That the Dominion Government grant to the company an annual subsidy of \$200,000 for twenty years, the company receiving such tolls, fees and fares as may be approved by the Governor General in Council.

Should such a ship railway be put in successful operation, it would in my opinion be a good substitute for the proposed canal through the Isthmus of Chignecto, and should Mr. Ketchum's estimate be correct, the project would have a great advantage as to cost, the outlay for the ship canal being calculated by Mr. Samuel Keefer at \$5,650,000 for a half-tide canal, and by Mr. Baillargé at \$8,217,849 (vide Public Works Report 1873-4, pages 163 and 164).

It would also, if substantially constructed and successfully operated, serve the purposes of the traffic as well as a ship canal, the commercial advantages of which have been so often set forth.

A ship railway of this magnitude is, so far, in some sense an experiment. I would therefore suggest that if it is in contemplation to assist the undertaking by annual subsidy or otherwise, such aid should only be granted on the conditions that the railway and its equipment be substantially built, and capable of performing the service as set forth in Mr. Ketchum's report, and that it be operated continuously and efficiently to the entire satisfaction of the Minister of Railways and Canals. These are conditions to which Mr. Ketchum can scarcely take exception if he has full confidence in the successful operation of the ship railway.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER,

*Chief Engineer of Government Railways.*

F. BRAUN, Esq., Secretary Dept. Railways and Canals.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, December 9th, 1881.

To the Hon. Sir Charles Tupper, C.B., K.C.M.G.,  
Minister of Railways.

SIR,—As representatives of this Province, we desire to direct your special attention to that clause in the terms of Union entered into between the Dominion and this Island, wherein we are guaranteed continuous communication winter and summer with the Intercolonial Railway and the railway system of the Dominion.

In presenting this matter to your consideration we unhesitatingly take the ground that this Province has a right to demand that the Dominion Government will, to the utmost practical limit, carry out in good faith a service so important to our interests and so necessary to our commercial prosperity.

Before Confederation no want was more keenly felt than that which shut us out of communication with our sister Provinces and the world of trade and commerce for nearly five months of the year, and no inducement more strongly urged our people to become part of the present Confederacy than the agreement or the part of the Dominion to supply this want by "efficient steam service."

In part performance of this agreement in the years 1874, 1875 and 1876, a wooden steamboat, the *Albert* was placed on the route between Pictou and Georgetown; and 1876 a new steamer, the *Northern Light*, built as an experiment, took her place and still continues on the above route. This first boat, sadly deficient in every particular required to render her efficient, performed the service so irregularly that the mails and passengers almost entirely crossed in open boats running between Cape Traverse and Cape Tormentine.

The *Northern Light* has proved the feasibility of keeping open communication during the least inclement portion of our winter season, and though from many defects in her building and equipment, she has only partially answered the purpose for which she was intended, we willingly admit that as an experiment she has done valuable service.

The running of these two boats is all that has been done towards the fulfilment of the agreement for continuous winter communication with the railway system of the Dominion.

The experience of the past four years has shown conclusively that the *Northern Light*, whether she be on the route between Georgetown and Pictou, or be run between the capes, is practically useless during the severe part of the winter, namely, during the months of January and February, and probably a portion of the month of March. Every attempt to use her during this period has invariably either seriously damaged the boat or left her drifting about the Gulf, sometimes a month at a time unable to force her way through solid blocks of ice. Thus, for this portion of the year the capes route is the only available means of communication with the mainland.

It is to the sadly inefficient means of transport offered by this route that we desire particularly to draw your attention.

As you are aware, our nearest railway station to Cape Traverse is distant therefrom some eleven and a-half miles, and the Intercolonial does not reach a point nearer than thirty-three miles from Cape Tormentine. An open wood sleigh is the only vehicle used on both these distances.

When it is remembered that this route is, and must be, used during the most inclement portion of the winter, it is necessarily available for passenger traffic only to persons of sound health and robust constitutions. Rude in its style, unsafe and tedious, it is wholly unfitted for the requirements of modern travel.

For commercial purposes, it is hardly needful to add, it is entirely unavailable, and as a means of postal communication for a whole Province it is probably more deficient and irregular than that which connects the most insignificant village in the southern portion of the Dominion with the centres of trade and commerce.

Upon the assumption that we have a right to ask what is practicable in this matter, where not only a reasonable need exists, but where some of the most important interests of our Province are suffering from what we cannot look upon other

than neglect and breach of faith, we respectfully ask consideration of the following proposals:—

1st. The construction of branch railways, the one from the Intercolonial to Cape Tormentine, the other from some point on the Prince Edward Island Railway, to Cape Traverse, suitable for the speedy and regular carriage of mails and passengers and for the requirements of the business public.

2nd. And for the present steam launches built specially for the purpose, to be used in connection with improved ice-boats at the capes.

3rd. The building and equipment of a steamboat in place of the *Northern Light*, to run between Pictou and Georgetown, suitable for the safe transport of passengers and freight.

We make these proposals believing that they can, without great expense, be carried out, and the necessary cost of construction and maintenance will be amply compensated by the material benefits which will accrue as well to the Dominion as to this Province.

The report of Mr. Henry A. F. McLeod, who was employed to survey the coast in the vicinity of Capes Tormentine and Traverse, with a view to secure winter communication with the Island, establishes three points:—

1st. That the most reliable way of crossing to the Mainland during the severe portion of the winter is by the ice boats between the Capes.

2nd. That by this route, the mails would be delivered in Charlottetown twelve hours sooner than they now are by the present summer arrangements.

3rd. That the railway connection we propose could be constructed economically, as the sections of the country to be traversed both on the Mainland and on this Island are entirely free from any engineering difficulties, and have generally light level soils with no large water spans to bridge.

We particularly refer to this report as it was made by an Engineer appointed by the Dominion Government having no interest to report favorably to this Province.

As an integral portion of the Dominion we gladly assist in her railway extension, her postal service, and in all the great public works facilitating the transmission of her products, and the carriage of the people; but unconnected with them as we are for a portion of the year, for that time at least, they are unavailable to us, and Confederation has apparently made this Province contribute towards every improvement in the carrying trade of Canada without being able to enjoy such benefit therefrom as our interests demand.

An irregular improvident ice-boat service, unimproved from what it was for many years before the Union, and reached only over a rough winter highway, is not capable of connecting us with the trade and commerce of the Dominion, nor is it that connecting link with its railways and postal systems which we understand that the terms of Confederation guaranteed to us. From the present Government we know that all our reasonable demands will be listened to with respect and attention, but to you more especially we look to direct the extension of its truly National Policy towards this Province.

Your own railway policy must be incomplete without this connection between the Intercolonial and the Prince Edward Island Railways. And in a time of general prosperity, with an overflowing exchequer, we ask that the material interests of this Province be not overlooked and that that portion of the covenant made with us on our entry into Confederation, promising continuous communication with the railway systems of the Dominion, remains no longer broken.

We have the honor to be, your most obedient servants,

(Signed,) J. S. CARVELL, (by request A. C. McD.)  
 FREDK. de St. C. BRECKEN.  
 A. C. MacDONALD.  
 E. B. MUTTART.  
 EDWARD HACKETT.  
 DONALD MONTGOMERY.

To His Excellency The Right Honorable The Marquis of Lorne, Knight of the Thistle, K.G.C.M.G., Governor-General of the Dominion of Canada, and to Her Majesty's Privy Council.

The memorial of the undersigned inhabitants of Cumberland County, Nova Scotia, Humbly Sheweth,—That a railway from the Intercolonial, near Amherst, Nova Scotia, to Cape Tormentine, New Brunswick, would be eminently conducive to the promotion of increased interprovincial trade and intercourse, besides developing the varied resources of the country along the line; and in view of these considerations and of the Union engagement with Prince Edward Island, your memorialists confidently rely upon the Government and Parliament of Canada undertaking or securing the early construction of this important Intercolonial work.

That a railway for the transport of vessels, laden or unladen, across the Isthmus separating the head waters of the Bay of Fundy from the Gulf of St. Lawrence, would, in addition to these advantages, stimulate the industries and shipping of the districts bordering upon the Bay and Gulf respectively, as well as of Prince Edward Island, with the adjacent fisheries, and otherwise largely benefit the trade of the Dominion.

That having been informed of a proposal made to the Government by H. G. C. Ketchum, Esq., C.E., to undertake the immediate construction of the line to Cape Tormentine, in conjunction with the said Marine Transport Railway, on receiving a reasonable guarantee or subsidy, your memorialists humbly conceive that it would be in the public interest to grant such aid to these important undertakings as may be agreed with the promoters of the enterprise, and may be justified by the finances of the country.

Your memorialists therefore pray, that the Government will undertake the early construction of the railway to Cape Tormentine, with the necessary connections from the Prince Edward Island Railway by the narrow strait separating the two Capes, or will secure such construction in the manner above indicated; and will also provide reasonable aid towards the important enterprise of a Marine Transport Railway from the head waters of the Bay of Fundy to Yidnish Shore on the Straits of Northumberland.

And in duty bound, &c.

R. MACLEAN, High Sheriff.

Dated January, 1882.

Here follow 210 names of the petitioners.

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER,  
OTTAWA, 30th January, 1882.

SIR,—After a careful examination of Mr. McLeod's report upon the Cape Tormentine and Cape Traverse Railway, and of the plans of survey of the same, I have the honor to report that I am of opinion that the two lines required, one from Amherst Station on the Intercolonial to Cape Jourimain, about 34½ miles, and the other from Cape Traverse to the County Line station on the Prince Edward Island Railway, about 11½ miles, making altogether 46 miles, could be constructed at a cost of \$364,200, and that wharves on each side of the strait, suitable for the landing of passengers and goods from such steamers as now ply between Shediac, Pictou, and the Island, would cost about \$235,000, amounting together to—

Two lines of railway.....	\$364,200 00
Wharves on both sides.....	235,000 00
	\$599,200 00

I enclose a statement showing the details of these amounts.

I have the honor to be, Sir, Your obedient servant,

COLLINGWOOD SCHREIBER,  
Chief Engineer Government Railways.

F. BRAUN, Esq.,  
Secretary, Railways and Canals.

Estimated cost of construction of a line of railway from Amherst to Cape Jourmain, <sup>34.07</sup><sub>1-73</sub> — 35.80 miles :

Construction of roadway.....	\$262,000 00	\$262,000 00
“ “ wharf.....	140,000 00	
	<hr/>	
Cost of road and wharf.....	\$402,000 00	\$402,000 00
Estimated cost of right of way.....	8,000 00	
	<hr/>	
Cost of road, wharf and right of way....	\$410,000 00	\$410,000 00

Estimated cost of construction of a line of railway from Cape Traverse to County Line station, <sup>11.44</sup><sub>0.80</sub> — 12.24 miles :

Construction of road say.....	\$91,000 00	\$91,000 00
“ “ wharf.....	95,000 00	
	<hr/>	
Cost of road and wharf.....	\$186,000 00	\$186,000 00
Estimated cost of right of way.....	3,200 00	
	<hr/>	
Cost of road, wharf and right of way....	\$189,200 00	\$189,200 00

BOTH ROADS.

Construction of roads.....	\$353,000 00	
Construction of roads and wharf.....	591,000 00	
Cost of road, wharf and right of way.....	599,200 00	

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER,  
OTTAWA, 4th February, 1882.

SIR,—On the 9th December last I had the honor to report upon an offer submitted by Mr. H. G. C. Ketchum (cover No. 93,238) for the construction, maintenance and operation of a ship railway across the Isthmus of Chignecto, and also of two ordinary lines *i.e.*, from Amherst to Cape Jourmain, and from Cape Traverse to County Line Station on the Prince Edward Island Railway.

Under date of 3rd February instant, (cover No. 93,844) Mr. Ketchum has submitted an offer for the construction, maintenance and operation of a ship railway separately, which offer has been referred to me for report, and upon which I have to make the following observations:—

The subject of the crossing of this isthmus by ships has been before the public for many years, a survey for a canal having been made as early as 1825; and in the year 1871 it was brought more prominently before the public, a commission being at that time appointed, with Sir Hugh Allan as Chairman, to investigate the matter. After a most exhaustive enquiry they reported (*vide* page 50, letter of Canal Commission) that “inseparably connected with the growth of the Intercolonial trade is the construction of the Baie Verte Canal across the isthmus connecting the Provinces of Nova Scotia and New Brunswick. The advantages that must accrue, not merely to the Dominion as a whole, but to the commerce of the Maritime Provinces, are so clearly pointed out by the Boards of Trade of all the leading cities of Canada, and by men interested in the development of our commercial interests, not simply the merchants of St. John and other places in the locality of the proposed canal, but merchants of Hamilton, Toronto, Ottawa, Montreal and Quebec, that it is superfluous for the Commissioners to do more than briefly refer to a few salient features of the scheme.”

On page 51 the Commissioners state the distance from Shediac to St. John by the present route *via* the Gut of Canso to be 600 miles. This distance would be re-

duced by the construction of the Baie Verte Canal to about 100 miles, and freights would in their opinion be diminished by 25 per cent., greatly benefitting the coal trade and fisheries, and increasing the volume of general business. They state further (page 53): "This canal cannot be considered apart from the canals of the St. Lawrence navigation as a Canadian canal, as Sault Ste Marie is the natural commencement of the improvements of the inland navigation of the Dominion, so the work through the Isthmus of Chignecto is the inevitable conclusion necessary to give unity and completeness to the whole system. It is Canadian in design and must prove national in its results.

On page 59 they state that the most suitable size for the locks on the proposed Baie Verte Canal will be 270 feet in length of chamber between the gates, 40 feet in width, and having 15 feet draught of water on the mitre sills.

On page 79 the Commissioners say: "The evidence submitted points out with remarkable force and unanimity the necessity of opening a highway for commerce between the Gulf of St. Lawrence and the head waters of the Bay of Fundy, through the Isthmus of Chignecto dividing them." And on page 90 they estimate the cost of a first-class canal, of the dimensions and character described, at \$3,250,000. Subsequently, having obtained further information, Messrs. Gzowski & Keefer estimated the cost of this canal at \$5,317,000.

The commission, after a most exhaustive enquiry, appear to have concluded that the passage of ships through the Isthmus of Chignecto, without breaking bulk in their cargoes, is a matter of very great importance. This object Mr. Ketchum proposes to accomplish by means of a ship railway, which he offers to construct, operate and maintain in consideration of a subsidy of \$150,000 a year, for twenty-five years, which, capitalized at 4 per cent., is equal to the sum of \$2,343,312. In addition to this he asks admission free of duty for all rails, material and machinery not manufactured in Canada, also free transport over Government railways of all such material.

Should it be contemplated to assist this undertaking by an annual subsidy, I would suggest that payment of the same commence with the opening of the ship railway for traffic, and that it continue so long only as the railway is efficiently maintained and operated, not exceeding the specified term.

Assuming that the importance of a ship highway over the Isthmus was, at the time of the Commissioners' Report, so great as is therein stated, it must be much greater now, considering the large increase since that date in the trade of the country affected by the proposed work.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER,

*Chief Engineer and Manager of Govt. Railways.*

F. BRAUN, Esq., Secretary, Railways and Canals.

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER,  
OTTAWA, 7th March, 1882.

SIR,—I have the honor to state that under date, 4th February, 1882, I reported on the cost of constructing a railway from Amherst Station, on the Intercolonial Railway, to Cape Jourimain or Cape Tormentine, and from Cape Traverse to County Line Station, on the Prince Edward Island Railway, (including right of way, station grounds and deep-water wharf on each side of the gulf,) estimating the same at \$599,200, made up as follows:—Amherst Station to Cape Tormentine, \$410,000; County Line Station to Cape Traverse, \$599,000; \$599,200 or say \$600,000.

I have now to report that Mr. Ketchum offers to construct and operate a Ship Railway across the Isthmus of Chignecto for an annual subsidy, for twenty-five years of \$150,000. Also, to construct an ordinary railway from Amherst Station to Cape Tormentine or Cape Jourimain for 4 per cent. on my estimate of \$410,000, annually for twenty-five years, \$16,400. Making a total of \$166,400 per annum for twenty-



five years. In addition to the above, to make connection with the Prince Edward Island Railway system, it will be necessary to provide a sum of \$189,200, the amount of my estimate of cost to construct a railway from Cape Traverse to County Line Station on the railway last named, together with a deep-water wharf.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER,

*Chief Engineer of Government Railways in Operation.*

F. BRAUN, Esq., Secretary, Railways and Canals.

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER.

OTTAWA, 10th March, 1882.

SIR,—I have the honor to further report upon the subject of my estimates of the cost of constructing a line of railway from Amherst Station to Cape Jourmain or Cape Traverse, amounting to \$410,000, that this amount embraced only the cost of constructing the line, and did not cover the equipment, which I estimated at \$90,000, making in all a sum of \$500,000.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER,

*Chief Engineer of Government Railways.*

F. BRAUN, Esq., Secretary, Railways and Canals.

To Sir CHARLES TUPPER, K.C.M.G., C.B., Minister of Railways and Canals.

We beg herewith to submit the report of R. C. Boxall, C.E., upon a line of railway from Sackville to Cape Tormentine in Westmoreland County, New Brunswick. This line was surveyed by a company chartered to construct it by the Local Government of New Brunswick, from which Government the Company expect to receive a subsidy to aid in its construction. Should the Dominion Government construct the line now proposed from Cape Tormentine to Amherst, either as a Government work or by subsidizing a company for that purpose, the line to Sackville must be abandoned by our Company, since it could not exist as a rival line.

We offer no objection to the Dominion Government constructing a line of railway from Cape Tormentine to the Intercolonial, if they feel under obligation to do so; but in view of such possible action on their part we beg herewith to submit for your consideration and that of your colleagues in the Government some reasons why connection with the Intercolonial should be made at Sackville instead of Amherst. We claim for the route adopted by our Company many advantages above the other, and believe the documents we now submit conclusively show that it is the only one which will serve the interests created by existing county and provincial boundaries; that it follows most nearly the course which the travel and commerce of Prince Edward Island and the eastern section of Westmoreland County have unmistakably marked out as their natural channel in the past and the one they must continue to follow in the future, and we therefore claim that whenever the railway is built this route should be adopted.

A. E. BOTSFORD, President Railway Co.,

JOSIAH WOOD, Director Railway Co.,

Delegates from the Railway Co. and Citizens Committee of Sackville.

SACKVILLE, N.B., 23rd December, 1881.

To the President and Directors of the proposed Sackville and Cape Tormentine Railway:

GENTLEMEN, In accordance with your request, I beg to hand you a section of the proposed Railway between Sackville and Baie Verte, and the following report with regard to the merits of the proposed route:

The proposed line leaves the Intercolonial Railway at Sackville Station, running nearly north-east along the marsh following the long sketched out Town of Sackville, until it arrives at Four Corners Station. This station will accommodate the thickly-settled part of Upper Sackville with its two large factories, three saw mills, one grist and one carding mill, and will also be the station for the settlers along the Aboushagon road.

From this station the line continues along on the marsh, until arriving at "Midgic Station," where it reaches the upland. In the neighborhood of this important station, there are six important saw mills; the product of these mills last year amounted to three million feet of deals and about half a million of boards and scantling, say 650 car loads, all of which would be loaded at Migic Station and shipped at the port of Sackville. Midgic is a thriving settlement, the land is good. This part of the parishes of Sackville and Westmoreland is being rapidly settled, the gradual making up of marsh land offers great facilities and advantages to industrious settlers. Midgic Station will also accommodate the important village of Centreville.

At about  $8\frac{1}{2}$  miles the well timbered wilderness land begins, and ends at about 16 miles or within  $\frac{1}{4}$  of a mile of Baie Verte. At this place it is intended to erect a station. From this point the line passes through Port Elgin, where a station will be erected, thence along through the Emigrant Settlement to Cape Tormentine.

The general character of the proposed line is exceedingly good, its steepest gradient is 1 foot in 100, and there is no curve on it less than  $\frac{1}{4}$  of a mile radius; it deviates from an air line between Sackville and Baie Verte only two miles, and the gradient over one-half the distance is level.

Again, the port of Sackville is open for traffic, as a rule, one month earlier in the spring and one month later in the fall than are the ports on the north shore, so that the large produce of the woollen mill at Port Elgin, the saw mills and farms in the vicinity of Baie Verte and Botsford can, with great advantage, be shipped from Sackville.

I beg also to call your attention to the fact that the parishes of Botsford and others on the north shore produce largely both potatoes and oats, and 1,200 tons of potatoes and 20,000 bushels of oats may be safely calculated on as passing over the railway *en route* to St. John and the Eastern States. It is a notorious fact that last year, owing to a want of means for transporting, potatoes were selling in the eastern part of this county at twelve cents per bushel, whereas in Boston the same commodity was realizing sixty cents per bushel.

I have given but little consideration to the connection with Prince Edward Island, but it is fair to assume that the construction of this railway to the Cape, with a good steam ferry plying between the Island and mainland, the best travelling facilities will be offered to say one-half of the population of Prince Edward Island, numbering some 50,000, and it will be possible to bring passengers from Charlottetown to the junction with the Intercolonial Railway at Sackville in  $4\frac{1}{2}$  hours.

There is no doubt but that the produce of a great part of Prince Edward Island and the eastern part of this county trends to St. John, N.B., and along the Eastern States of America. It, therefore, seems desirable to obtain a good shipping port on the Bay of Fundy to accommodate this trade, on as short a line, and as far west as possible, and Sackville, with its existing wharves and railway thereto, built at a great expense, most certainly offers these conditions.

About two (2) miles south of Sackville, at the head of the Bay of Fundy, a depth of water of five fathoms at low water is obtainable, with a good holding ground. Here vessels of 1,500 tons can lie with safety at low water; and should the exports

of Sackville increase to such an extent that larger vessels will be requisite, then a wharf and break water can be built from the shore to this terminus at a very small outlay.

Vessels of 1,200 tons have been loaded at the existing wharf at Sackville, and I have received vessels at Sackville, each loaded with 800 tons of railway iron.

I am, Gentlemen, yours obediently,

RICHARD C. BOXALL, C.E.

*Reasons why the Railway from Tormentine to the Intercolonial should follow the route to Sackville instead of Amherst.*

1st. The line to Sackville is shorter by McLeod's report, page 2, and Boxall's report herewith; easier of construction, and with curvatures and grades comparing favorably with the others.

2nd. The section of the Sackville line between Midgie and Baie Verte is fertile land well suited for settlement; the lumber from between 15,000 and 20,000 acres of well-timbered land in this district would pass over the road to market. The whole of this section, lying as it does at the head of the Sackville marshes, would, with a railway passing through it, be one of the most desirable farming districts in the county, and would for years continue to increase rapidly in population and wealth. The Amherst line, on the contrary, between Amherst and Tidnish, passes through a much poorer section of country, with few inhabitants and ill-adapted for settlement. The country about Tidnish River and thence to Baie Verte is now chiefly settled by farmers; but little timber remains on the land, and its position not favoring the growth of trade or the establishment of manufactures, it could not in the future be expected to receive any material increase to its population. The people of this section would all be within three to five miles of the Sackville line. It is not necessary to refer to the character of the country between Baie Verte and Cape Tormentine, as this section is common to both routes.

3rd. The Sackville marshes are much more extensive and produce larger quantities of coarse broad leaf hay than the marsh lands near Amherst. This hay costs about \$4.00 per ton, is well suited for winter feed for stock, but unfit for export. The Sackville line would enable the farmers of Baie Verte and the Parish of Botsford to supply themselves with this feed at a very low price, say \$6.00 per ton. A new trade might be opened which might be expected to become one of considerable local importance, and would result in great benefit to the agricultural interests of the county.

4th. Sackville has the very important advantage of a good harbor with deep water, which Amherst has not. (For particulars see Boxall's report.)

5th. The traffic and travel of Prince Edward Island is principally to St. John, the United States and other points west and north from Sackville. This is substantiated by the fact that a steamer makes daily trips to Shediac during the period of summer navigation and only semi-weekly to Pictou. This large proportion of the traffic and travel to and from Prince Edward Island will be saved ten (10) miles distance by railway if the Sackville line is adopted instead of that to Amherst.

6th. The trade and travel to and from the Parish of Botsford and part of the Parish of Westmoreland will be similarly affected. The population of this section of the county was by the last census: Parish of Botsford, 3,985; part Parish of Westmoreland about 1,000, making a total of about 5,000 to which this clause applies.

7th. Dorchester is the Shiretown of Westmoreland County, where all parish and county business is transacted. If the railway goes to Sackville it will furnish a convenient means of communication with the Shiretown for all the eastern section of the county, but practically of no value to them as such if taken to Amherst. The population thus affected is about 6,000.

Copy of a letter relative to the trade of Prince Edward Island from Capt. Evans, who has for many years sailed a steamer between the Island and the ports of Shediac and Pictou:—

WESTCOCK, February 3rd, 1882.

DEAR SIR,—I cannot say exactly, but think that on an average about twenty passengers cross daily from south side to Shediac; the most of the freight crosses that way consisting of horses, sheep, cattle, oysters, eggs, mackerel and considerable quantities of barley and oats; these all go to the westward. We have very little freight on the steamers to Pictou excepting in the fall, when considerable quantities of pork and canned lobsters go to Halifax *via* Pictou. Large quantities of potatoes and turnips are sent direct to Halifax by sailing vessels. We have double the amount of freight and passengers to Shediac that we have to Pictou.

Yours truly,

E. EVANS.

W. MORRICE, Esq.

Proportion passengers to Shediac and Pictou: To Shediac, 20 per trip, 6 trips weekly—120 per week; to Pictou, 10 per trip, 2 trips weekly—20 per week.

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE ENGINEER-IN-CHIEF,  
OTTAWA, 13th March, 1882.

SIR,—The communication of the President and a Director of the Cape Tormentine Railway Company as delegates from the Company, and citizens of Sackville, upon the subject of the construction of a line of railway to Cape Tormentine, and advocating a line from Sackville in preference to that designed from Amherst, having been referred to me, I have the honor to report that, as far as distance is concerned, there is no great difference, the Amherst line being about 34 miles, and the Sackville line about 34½, that from Amherst having half a mile in its favor.

It will thus be seen that the petitioners are in error in estimating the distance as four (4) miles in favor of the Sackville line, which, instead of being shorter than the Amherst line by 4 miles as they allege, it is nearly half a mile longer.

The profile of the line from Sackville is shown to have grades of 53 feet to the mile, whereas if the line from Amherst is built in conjunction with the ship railway, and alongside thereof, as designed by Mr. Ketchum, it would be practically level so that it would appear not only to have an advantage over the Sackville line in respect of distance, and also of gradients.

The petitioners state that the large bulk of the traffic from Prince Edward Island would be directed to and from St. John and the United States, and that hence the transport distance in the directions of the bulk of the traffic would be increased by probably ten (10) miles by the adoption of the Amherst line.

I think there is no doubt a considerable portion of the traffic to and from Prince Edward Island would take that direction, and the fact must not be lost sight of, that the promoters of the united undertaking (ship and ordinary railway) express a strong conviction that a heavy coal traffic will pass over this railway from Spring Hill and other coal mines, during the season of navigation. If these expectations are realized it is greatly in the interest of this class of traffic to have the junction with the Intercolonial Railway as near the mines as possible, and also to have a well sheltered port such as the Tidnish Dock, the terminus of the proposed ship railway, will afford, (being the nearest outlet for those mines in the Gulf of St. Lawrence for shipment to Ontario, Quebec and lake ports of the produce of these mines,) and if the estimates made by the promoters of the ship and ordinary railway of the probable volume of coal traffic are even approximately correct, they will certainly largely exceed any business which could reasonably be calculated upon in connection with the Prince Edward Island trade, and in this connection the Amherst route appears to have a great advantage over the Sackville route.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER,

*Chief Engineer of Government Railways.*

F. BRAUN, Esq., Secretary, Railways and Canals.

## PAPERS SUPPLEMENTARY

(79a)

To a RETURN of the HOUSE of COMMONS, rendered 21st March, 1882, in answer to an order for copies of all Correspondence between the Government of Canada and any other parties, having reference to the improvement of Winter Communication between the Province of Prince Edward Island and the Mainland, with a view to keeping up daily steam communication for the conveyance of Mails and Passengers as stipulated in the terms of the Union.

OTTAWA, April 4th, 1882.

SIR,—In reply to your enquiry I enclose you an estimate of cost of the Chignecto Marine Transfer Railway.

I have added to my former estimate the probable expenses of the Company, also interest and outlays during the construction of the work, and, in deference to Mr. Page's opinion, I have increased the estimate of the docks at Amherst and Tignish, making the whole cost amount to \$4,350,000.

I have the honor to be Sir, your obedient servant,

H. G. C. KETCHUM.

Hon. Sir CHARLES TUPPER, C.B., K.C.M.G.,  
Minister of Railways and Canals.

### CHIGNECTO MARINE TRANSPORT RAILWAY.

ESTIMATE of Cost from preliminary Surveys, with addition of interest, Company expense, etc.

	\$	cts.	\$
Land.....	17,400	00	
Clearing and grubbing.....	5,200	00	
Telegraph.....	1,440	00	
Fencing.....	6,330	00	
Earth excavation.....	549,000	00	
Rock do.....	250,000	00	
Road crossings.....	5,000	00	
Piling.....	66,000	00	
Masonry.....	100,000	00	
Rails, &c.....	375,520	00	
Sleepers.....	75,000	00	
Plate-laying.....	27,000	00	
Ballast.....	360,000	00	
Hydraulic lifts.....	300,000	00	
Locomotives and grades.....	400,000	00	
Transverse and turn-tables.....	75,000	00	
Buildings.....	2,500	00	
Docks, pier and wharfing.....	1,000,000	00	
Contingencies, engineering, Company's expenditure and administration..	212,140	00	
Interest during construction.....	500,000	00	
<b>Total .....</b>			<b>\$4,350,000<sup>00</sup></b>

OTTAWA, 6th April, 1882.

*Memorandum.*—After looking over the within estimate, and accepting Mr. Ketchum's representations as to quantities and the character of the line that can be obtained, I am fully of opinion that the works proposed, if made throughout of a suitable and permanent character, will cost at least the sum of four million three hundred and fifty thousand dollars (\$4,350,000.)

JOHN PAGE.

OTTAWA, April 10th, 1882.

*Memorandum.*—The undersigned has the honor to report that propositions have been submitted by Mr. H. G. C. Ketchum, supported by a large mass of evidence, going to prove their future practicability, under which, should it be countenanced, a company will be formed for the construction and operation of a line of ship railway across the Isthmus of Chignecto to connect Baie Verte with the Bay of Fundy, such line being built between a point of the mouth of the River La Planche on the Bay of Fundy and Tignish Head on Baie Verte, a distance of about seventeen miles.

That a number of arguments and statistical facts showing the commercial value of the projected work to the country at large, the cogency of which the undersigned fully recognize, are set forth in pamphlets submitted by the originator of the scheme, which pamphlets accompany the present memorandum.

That, in consideration of the work to be executed, the Company would ask from the Government, assistance as follows:—

1. A subsidy of \$150,000 per annum for a period of 25 years.
2. The entry free of duty of all rails.
3. The entry free of duty of such materials and machinery required for the hydraulic lifts and other purposes, as are not made or manufactured in Canada.
4. The carriage free of all such materials over the Government railways.

In relation to the above scheme, the undersigned would observe that for many years past very considerable importance has been attached to the possession of means by which the water distance between St. Lawrence River and the Bay of Fundy, representing the circumnavigation of the entire Province of Nova Scotia, would be reduced.

That as early as 1825 a survey for a canal across the isthmus of Chignecto was effected, and that further, in the year 1871, a Commission sat for the consideration of the matter. This Commission, after an exhaustive enquiry, reports as follows:—

"Inseparately connected with the growth of Intercolonial trade, is the construction of the Baie Verte canal, across the isthmus connecting the Provinces of Nova Scotia and New Brunswick. The advantages that must occur, not merely to the Dominion as a whole, but to the commerce of the Maritime Provinces, are so clearly pointed out by the Boards of Trade of all the leading cities of Canada, and by men interested in the development of our commercial interests, not simply the merchants of St. John and other places in the locality of the proposed canal, but merchants of Hamilton, Toronto, Ottawa, Montreal and Quebec, that it is superfluous for the Commissioners to do more than briefly to refer to a few salient features of the scheme." As an instance of the saving in distance to be effected, the Commissioners state, that the distance by the existing route, *via* the Gut of Canso from Shediac to St. John, namely, 600 miles, would be reduced to 100 miles by the construction of this canal.

That the whole question having been referred to the Chief Engineer of Government Railways, he has represented:

1. The project is one quite practicable of execution.
2. That the ship railway proposed would be a good substitute for the canal originally contemplated.
3. That the advantage in respect of cost, as compared with that of a canal, would be greatly in favor of the ship railway. The cost of a half tide canal having been

calculated by Government Engineers, at from \$5,650,000 to \$8,217,849, whereas the subsidy asked for by the Company, namely, \$150,000 for 25 years, if capitalized at 4 per cent. would be equal to the sum of \$2,342,312 only.

That, by a letter dated the 4th instant, Mr. Ketchum has submitted an estimate of the cost of the projected ship railway including the necessary docks, piers and wharfing, such estimates amounting to the sum of \$4,350,000, as to which the Chief Engineer of Government Canals has reported that, accepting Mr. Ketchum's representations as to quantities and the character of the line that can be obtained, if throughout of a suitable and permanent character, would, in his opinion, be at least the sum named.

The undersigned, in view of the generally acknowledged importance of the commercial interests of the whole country, of means of crossing the Isthmus of Chignecto, and, further, in view of the feasibility of the plan now proposed and the saving in cost which it offers, as compared with canal construction,

Recommends that authority be given for the entering into an arrangement with Messrs. Ketchum & Co. on the following terms, for the construction of a line of ship railway across the isthmus, it being distinctly understood that all risk and all expenditure connected therewith shall be borne by the Company.

That provided that the said line shall be substantially built, thoroughly equipped and capable of satisfactorily performing the services set forth in Mr. Ketchum's offer; a subsidy of one hundred and fifty thousand (\$150,000) a year shall be granted by the Government—such subsidy to be payable for a term of twenty-five (25) years and no longer, payment to commence when the ship railway shall be in full operation, and to continue only such time as it shall be satisfactorily worked.

Further, that the tolls to be charged by the Company shall be subject to the approval of the Governor in Council, it being understood that the claim for remission of duties and free transmission of material be not entertained.

Respectfully submitted,

CHARLES TUPPER, Minister of Railways and Canals.

*Copy of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council, on 12th April, 1882.*

On a Report, dated 10th April, 1882, from the Minister of Railways and Canals, submitting propositions of Mr. H. G. C. Ketchum, supported by a large mass of evidence going to prove their entire practicability—under which, should it be countenanced, a company will be formed for the construction and operation of a line of ship railway across the Isthmus of Chignecto to connect Baie Verte with the Bay of Fundy, such line being built between a point at the mouth of the River La Planche on the Bay of Fundy and Tignish Head on Baie Verte, a distance of about seventeen miles.

The Minister states that a number of arguments and statistical facts showing the commercial value of the projected work to the country at large, the cogency of which he, the Minister, fully recognizes, are set forth in pamphlets submitted by the originator of the scheme, which pamphlets accompany the present memorandum.

That in consideration of the work to be executed, the Company asks from the Government assistance as follows:—

A subsidy of \$150,000 per annum for a period of 25 years;

The entry free of duty of all rails;

The entry free of duty of such materials and machinery required for the hydraulic lifts and other purposes as are not made or manufactured in Canada.

The carriage free of all such materials over the Government railways.

The Minister observes, in relation to the above scheme, that for many years past very considerable importance has been attached to the possession of means by which the water distance between the St. Lawrence River and the Bay of Fundy, representing the circumnavigation of the entire Province of Nova Scotia, could be reduced.

That as early as 1825 a survey for a canal across the Isthmus of Chignecto was effected, and that further, in the year 1871, a Commission sat for the consideration of the matter. This Commission after an exhaustive enquiry reported as follows:—

“Inseparably connected with the growth of Intercolonial trade is the construction of the Baie Verte Canal across the isthmus connecting the Provinces of Nova Scotia and New Brunswick.

“The advantages that must accrue not merely to the Dominion as a whole but to the commerce of the Maritime Provinces, are so clearly pointed out by the Boards of Trade of all the leading cities of Canada, and by men interested in the development of our commercial interests, not simply the merchants of St. John and other places in the locality of the proposed canal, but merchants of Hamilton, Toronto, Ottawa, Montréal and Quebec, that it is superfluous for the Commissioners to do more than briefly refer to a few salient features of the scheme.”

The Minister further observes that as an instance of the saving in distance to be effected, the Commissioners state the distance by the existing route *via* the Gut of Canso, from Shediac to St. John, namely, 600 miles, would be reduced to 100 miles by the construction of this canal.

The Minister having referred the whole question to the Chief Engineer of Government Railways, he reports as follows:—

“1. That the project is one quite practicable of execution.

“2. That the ship railway proposed would be a good substitute for the canal originally contemplated.

“3. That the advantage in respect of cost as compared with that of a canal would be greatly in favor of the ship railway, the cost of a half tide canal having been calculated by Government engineers at from \$5,650,000 to \$8,217,849, whereas the subsidy asked for by the Company, namely, of \$150,000 for twenty-five (25) years, if capitalized at 4 per cent., would be equal to the sum of \$2,343,312 only.”

The Minister submits an estimate made by Mr. Ketchum, under date 4th April instant, of the cost of the projected ship railway including the necessary docks, piers and wharfing—such estimate amounting to the sum of \$4,350,000—as to which the Chief Engineer of Government Canals reports, that, accepting Mr. Ketchum's representations as to quantities and the character of the line that can be obtained, the cost of the works proposed, if throughout of a suitable and permanent character, would, in his opinion, be at least the sum named.

The Minister in view of the generally acknowledged importance to the commercial interests of the whole country of means of crossing the Isthmus of Chignecto, and, further, in view of the feasibility of the plan now proposed, and the saving in cost which it offers as compared with canal construction, recommends that authority be given for the entering into arrangements with Messrs. Ketchum and Company on the following terms for the construction of a line of ship railway across the isthmus, with the distinct understanding that all risk and all expenditure connected therewith be borne by the Company, and that the said line be substantially built, thoroughly equipped and capable of satisfactorily performing the services set forth in Mr. Ketchum's offer, a subsidy of \$150,000 a year be granted by the Government, such subsidy to be payable for a term of twenty-five years and no longer, and that payment commence whenever the ship railway shall be in full operation, and continue only during such time as it may be satisfactorily worked. Furthermore, that the tolls to be charged by the Company be subject to the approval of the Governor in Council.

The Committee concur in the foregoing recommendation of the Minister of Railways and Canals, and submit the same for Your Excellency's approval, it being understood that the claim for remission of duties and free transmission of material be not entertained.

Hon. Minister of Railways and Canals.

Certified, JOHN J. MCGEE, Assistant Clerk, P. C.



## RETURN

(80)

To an ORDER of the HOUSE OF COMMONS, dated 21st February, 1881;—  
 For a copy of the Contract entered into by the Government in 1880,  
 with I. G. Baker & Co., of Fort Benton, for furnishing supplies for the  
 North-West Mounted Police.

By command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
 7th March, 1882.

This agreement made in duplicate this fifth day of April, one thousand eight hundred and eighty,

Between the Right Honorable the Minister of the Interior of Canada, of the one part, and Messrs. I. G. Baker and Company, of Fort Benton, Montana Territory, United States of America, Merchants, of the other part:

Witnesseth, that for the considerations hereinafter mentioned, Messrs. Baker & Co., contract and agree to furnish and deliver for the use of the Mounted Police Force of Canada, serving in the North-West Territories of Canada, the supplies of food, forage, and other articles mentioned and expressed in the schedules hereto annexed marked A, B, C, D, E, and F, hereby declared as part of this agreement.

That samples of all accepted articles will be lodged at the several Police posts, and payment of the accounts of Messrs. Baker & Co. therefor at the prices set opposite the several articles in the Schedules A, B, C, D, E, and F, hereto annexed will be made on receipt at Ottawa of certificates of the officers commanding at the respective Police posts, that the articles charged for have been correctly delivered both as to quantity and quality.

That no payment on account will be made to Messrs. Baker & Co., while supplies are in transit to the respective places at which delivery is to be made.

That no allowance of weight will be made for shrinkage of supplies while in transit, nor yet for tins, packing cases or sacks. Payment will be made only for the net weight of articles delivered.

That at any post at which not less than fifty men are stationed the beef shall be delivered on foot, animal by animal as required, to be slaughtered by the Police, the head, feet and hide to be returned to Messrs. Baker & Co., the Department of the Interior paying for the four quarters of meat only.

That the necks of the cattle slaughtered for beef to be delivered under this agreement shall be cut off at the fourth vertebral joint, and the breast trimmed down. The shanks of fore-quarters shall be cut off from three to four inches above the knee joint, and of hind quarters from six to eight inches above the gambrel or hock joint.

That at any post at which less than fifty men are stationed, or at which it may be necessary for the requirements of the police to take over from Messrs. Baker & Co., cattle on foot "in herd," the price to be paid Messrs. Baker & Co. for the live weight of such cattle, shall be one-half the price named in the schedule hereto annexed for delivery of meat at dead weight at the post at which the live cattle are taken over.

That the hay mentioned in the schedules hereto annexed, shall be good, sound, and well cured, and when obtainable within reasonable distance to be the hay known as "Prairie Blue Joint."

That the Right Honorable the Minister of the Interior reserves the right to increase or diminish the quantities of any of the articles, without any increase in the prices, provided notice thereof in writing is given to Messrs. Baker & Co., before the first of June next.

That delivery of one-fourth of the supplies (beef excepted) for Forts Macleod, Walsh, Wood Mountain, and Qu'Appelle, shall be made not later than the 1st of July next, and delivery of the remaining three-fourths shall be made not later than the 15th of August next.

That delivery of the supplies for Battleford and Fort Saskatchewan, (beef excepted) shall be made not later than the 15th of July next.

That Baker & Co. will, at any time before the first day of October next, on receiving twenty days notice, supply ox trains and perform all the freighting service required for police purposes between Fort Macleod and Fort Calgary at the rate of one cent per pound, and between Forts Walsh, Macleod and Calgary, and any other accessible points at the rate of one cent per pound for every hundred miles, provided such freight to be carried at any one time will make up two ox team loads at least.

That any Customs duties payable on any of the supplies furnished under this contract shall be paid by Messrs. Baker & Co.

That the payment of the accounts of Messrs. Baker & Co., for any supplies delivered under this agreement, shall be made by deposit to the credit of Messrs. Baker & Co. in the Bank of Montreal, Ottawa, of the amounts from time to time due and payable to the said firm.

That in case Messrs. Baker & Co. should fail to supply the articles named in the schedules hereto annexed, within the dates herein stipulated, or in case the articles when supplied should be inferior as to quality, the officers of the Mounted Police commanding at the respective posts, may supply the deficiency by purchase elsewhere, and Messrs. Baker & Co. will be charged with the difference between the prices named in the schedules hereto annexed and the cost of the articles purchased to supply the deficiency in this contract.

I. G. BAKER & Co.

Witness to signature of I. G. Baker & Co. :

HERCY R. NEALE.

SCHEDULE A—Referred to in the annexed Agreement between the Right Honorable the Minister of the Interior of Canada, and Messrs. I. G. Baker & Co., of Fort Benton, Montana, dated 5th April, 1880, for Mounted Police Supplies to be delivered at Fort Walsh, North-West Territories of Canada.

Articles.	Quantity.		Price.	
			\$ cts.	lb.
Beef.....	71,400	lbs. net.	0 04½	lb.
Bacon, clear sides, smoked, of this season's curing, packed in canvas sacks.....	16,275	do	0 13½	do
Flour, to pass Canadian inspection as "strong bakers"....	79,850	do	0 06	do
Tea, black, compressed.....	1,330	do	0 50	do
Coffee, good Rio, green.....	2,000	do.	0 23	do
Sugar, broken loaf.....	10,650	do	0 14½	do
Apples, dried.....	2,040	do	0 10	do
Beans.....	2,040	do	0 06½	do
Rice.....	1,260	do	0 08	do
Pressed vegetables.....	75	do	0 39½	do
Hops, pressed.....	125	do	0 19	do
Baking powder, in 1 lb. tins.....				
Salt, table.....	2,000	do	0 04½	do
Pepper, black, ground, in ½ lb. tins.....	110	do	0 25	do
Potatoes.....	15,750	do	0 03½	do
Biscuit, hard tack.....	4,500	do	0 08½	do
Oatmeal.....	2,100	do	0 06½	do
Candle, sperm.....	1,100	do	0 20	do
Coal oil, in 5 gallon tins.....	600	gallons.	0 48	gallon.
Oats.....	400,000	lbs. net.	3 74	100 lbs.
Hay, well cured.....	450	tons.....	10 75	ton.
Bran.....	2,000	lbs. net.	0 03½	lb.

SCHEDULE B—Referred to in the annexed Agreement between the Right Honorable the Minister of the Interior of Canada, and Messrs. I. G. Baker & Co., of Fort Benton, Montana, dated 5th April, 1880, for Mounted Police Supplies to be delivered at Fort Macleod, North-West Territories of Canada

Articles.	Quantity.		Price.	
			\$ cts.	lb.
Beef.....	30,600	lbs. net.	0 04½	lb.
Bacon, clear sides, smoked, of this season's curing, packed in canvas sacks.....	6,975	do	0 14	do
Flour, to pass Canadian inspection as "strong bakers"....	34,230	do	0 06½	do
Tea, black compressed.....	570	do	0 50	do
Coffee, good Rio, green.....	860	do	0 23½	do
Sugar, broken loaf.....	4,570	do	0 14½	do
Apples, dried.....	875	do	0 11½	do
Beans.....	875	do	0 06½	do
Rice.....	540	do	0 08½	do
Pressed vegetables.....	50	do	0 40	do
Hops, pressed.....	100	do	0 20	do
Baking powder, in 1 lb. tins.....				
Salt, table.....	860	do	0 04½	do
Pepper, black, ground, in ½ lb. tins.....	48	do	0 25	do
Potatoes.....	6,750	do	0 02	do
Biscuit, hard tack.....	2,000	do	0 09	do
Oatmeal.....	1,000	do	0 06½	do
Candles, sperm.....	500	do	0 21	do
Coal oil, in 5 gallon tins.....	200	gallons.	0 52	gallon.
Oats.....	25,000	lbs. net.	0 03½	lb.
Hay, well cured.....				
Bran.....	3,000	do	0 04	lb.

SCHEDULE C.—Referred to in the annexed agreement between the Right Honorable the Minister of the Interior, of Canada, and Messrs. I. G. Baker & Co., of Fort Benton, Montana, dated April 5th, 1880, for Mounted Police supplies to be delivered at Wood Mountain, North-West Territories of Canada.

Articles.	Quantity.		Price.	
			\$ cts.	lb.
Beef.....	12,240	lbs. net.	0 04½	lb.
Bacon, clear sides, smoked, of this season's curing, packed in canvas sacks.....	2,790	do	0 14½	do
Flour, to pass Canadian inspection as "strong bakers".....	13,687	do	0 06½	do
Tea, black, compressed.....	228	do	0 51	do
Coffee, good Rio, green.....	343	do	0 24	do
Sugar, broken loaf.....	1,825	do	0 15½	do
Apples, dried.....	349	do	0 11	do
Beans.....	349	do	0 07½	do
Rice.....	175	do	0 09	do
Pressed vegetables.....	50	do	0 40	do
Hops, pressed.....	50	do	0 20	do
Baking powder in 1 lb. tins.....	50	do	0 25	do
Salt, table.....	347	do	0 05½	do
Pepper, black, ground, in ½ lb. tins.....	19	do	0 26	do
Potatoes.....	2,700	do	0 02	do
Biscuit, hard tack.....	1,000	do	0 09½	do
Oatmeal.....	600	do	0 07½	do
Candles, sperm.....	200	do	0 21	do
Coal oil in 5 gallon tins.....	150	gallons.	0 56	gallon.
Oats.....	70,000	lbs. net.	0 04½	lb.
Hay, well cured.....				
Bran.....	2,000	do	0 04½	do

SCHEDULE D.—Referred to in the annexed agreement between the Right Honorable the Minister of the Interior, of Canada, and Messrs. I. G. Baker & Co., of Fort Benton, Montana, dated April 5th, 1880, for Mounted Police supplies to be delivered at Fort Saskatchewan, North-West Territories of Canada.

Articles.	Quantity.		Price.	
			\$ cts.	lb.
Beef.....	10,200	lbs. net.	0 04½	lb.
Bacon, clear sides, smoked, of this season's curing, packed in canvas sacks.....	2,325	do	0 18½	do
Flour to pass Canadian inspection as "strong bakers".....	11,407	do	0 10½	do
Tea, black, compressed.....	190	do	0 60	do
Coffee, good Rio, green.....	286	do	0 28½	do
Sugar, broken loaf.....	1,521	do	0 19½	do
Apples, dried.....	291	do	0 16½	do
Beans.....	291	do	0 11½	do
Rice.....	180	do	0 13½	do
Pressed vegetables.....	25	do	0 45	do
Hops, pressed.....	50	do	0 25	do
Baking powder in 1 lb. tins.....	25	do	0 30	do
Salt, table.....	286	do	0 09½	do
Pepper, black, ground in ½ lb. tins.....	16	do	0 25	do
Potatoes.....	2,250	do	0 02	do
Biscuit, hard tack.....	500	do	0 14	do
Oatmeal.....	100	do	0 11½	do
Candles, sperm.....	100	do	0 25	do
Coal oil in 5 gallon tins.....	50	gallons.	0 92	gallon.
Oats.....	20,000	lbs. net.	0 04	lb.
Hay, well cured.....	100	tons.....	9 50	ton.
Bran.....	500	lbs. net.	0 09	lb.

SCHEDULE E.—Referred to in the annexed agreement between the Right Honorable the Minister of the Interior of Canada and Messrs. I. G. Baker & Co., of Fort Benton, Montana, dated April 5th, 1880, for Mounted Police supplies to be delivered at Battleford, North-West Territories of Canada.

Articles.	Quantity.		Price.	
			\$ cts.	
Beef.....	16,320	lbs. net.	0 04½	lb.
Bacon, clear sides, smoked, of this season's curing, packed in canvas sacks.....	3,720	do	0 17	do
Flour, to pass Canadian inspection as "strong bakers".....	18,250	do	0 05	do
Tea, black, compressed.....	305	do	0 53	do
Coffee, good Rio, green.....	460	do	0 27	do
Sugar, broken loaf.....	2,435	do	0 18½	do
Apples, dried.....	465	do	0 14	do
Beans.....	465	do	0 10½	do
Rice.....	230	do	0 12	do
Pressed vegetables.....	30	do	0 43½	do
Hops, pressed.....	50	do	0 23	do
Baking powder in 1 lb. tins.....	50	do	0 28½	do
Salt, table.....	450	do	0 08½	do
Pepper, black, ground, in ½ lb. tins.....	25	do	0 29	do
Potatoes.....	3,600	do	0 02	do
Biscuit, hard tack.....	1,000	do	0 12½	do
Oatmeal.....	600	do	0 10½	do
Candles, sperm.....	200	do	0 24	do
Coal oil in 5 gallon tins.....	150	gallons.	0 80	gallon
Oats.....	40,000	lbs. net.	0 04	lb.
Hay, well cured.....	200	tons.....	9 00	ton.
Bran.....	2,000	lbs. net.	0 05	lb.

SCHEDULE F.—Referred to in the annexed agreement between the Right Honorable the Minister of the Interior of Canada and Messrs. I. G. Baker & Co., of Fort Benton, Montana, dated April 5th, 1880, for Mounted Police supplies to be delivered at Qu'Appelle, North-West Territories of Canada.

Articles.	Quantity.		Price.	
			\$ cts.	
Beef.....	16,320	lbs. net.	0 06½	lb.
Bacon, clear sides, smoked, of this season's curing, packed in canvas sacks.....	3,720	do	0 15½	do
Flour, to pass Canadian inspection as "strong bakers".....	18,250	do	0 04½	do
Tea, black, compressed.....	305	do	0 55	do
Coffee, good Rio, green.....	460	do	0 24	do
Sugar, broken loaf.....	2,435	do	0 15½	do
Apples, dried.....	465	do	0 13	do
Beans.....	465	do	0 08½	do
Rice.....	230	do	0 10	do
Pressed vegetables.....	30	do	0 42	do
Hops, pressed.....	50	do	0 22	do
Baking powder in 1 lb. tins.....	50	do	0 25	do
Salt, table.....	450	do	0 06½	do
Pepper, black, ground, in ½ lb. tins.....	25	do	0 25	do
Potatoes.....	3,600	do	0 02	do
Biscuit, hard tack.....	1,000	do	0 08½	do
Oatmeal.....	600	do	0 08½	do
Candles, sperm.....	200	do	0 22½	do
Coal oil, in 5 gallon tins.....	150	gallons.	0 65	gallon.
Oats.....	60,000	lbs. net.	0 03½	lb.
Hay, well cured.....	200	tons.....	9 00	ton.
Bran.....	2,000	lbs. net.	0 03½	lb.

**RETURN**

(81)

To an ORDER of the HOUSE OF COMMONS, dated 15th February, 1882 :—For Copies of all Tariffs of Rates for Freight or Passengers on the Inter-colonial and Prince Edward Island Railways; and a Statement of all Special Rates granted on any part of either Railway.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
11th March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]

## RETURN

(81a)

To an ORDER of the HOUSE OF COMMONS, dated 16th February, 1881 :—For a Return of the Accounts of Stock taken in the Stores or Shops of the Intercolonial Railway at Moncton during the years 1879 and 1880 ; and also, a Return of any differences between the amount of Stock taken and that in the Stock Ledger during those years.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
14th March, 1882.

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]*

# RETURN

(81b)!

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882;—For a Return showing the number of miles of the Intercolonial Railway worked each year since any portion of it was opened to public use; the cost per mile of running the road each year, and the average quantity of freight carried per mile, and the average earnings per mile in each year.

By command.

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.

*Secretary of State.*

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER, OTTAWA, 17th March, 1882.

SIR,—I have the honor to transmit herewith a statement showing the number of miles of the Intercolonial Railway worked each year from 1872 to 1881, the quantity of freight carried, average quantity of freight carried per mile of railway, average working expenses per mile of railway, and the average earnings per mile of railway. This statement is to comply with an Order of the House of Commons, dated the 13th instant.

I have the honor to be, Sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer of Govt. Rys.*

F. BRAUN, Esq., Secretary, Department of Railways and Canals.

## INTERCOLONIAL RAILWAY.

	EACH YEAR.				
	Average miles worked.	Quantity of Freight carried.	Average Quantity of Freight carried per mile of Railway.	Average Working Expenses per mile of Railway.	Average Earnings per mile of Railway.
		Tons.	Tons.	\$ cts.	\$ cts.
1872-73.....					
1873-74.....	302	332,946	1,102	3,350 63	2,329 33
1874-75.....	339	338,852	1,147	3,514 90	2,635 48
1875-76.....	381	360,225	945	3,000 41	2,261 40
1876-77.....	518	360,224	695	2,051 67	1,638 72
1877-78.....	714	421,327	590	2,327 27	1,616 87
1878-79.....	714	522,710	732	2,536 80	1,931 29
1879-80.....	714	510,861	715	2,815 38	1,812 46
1880-81.....	825	561,924	681	1,943 55	1,825 81
1880-81.....	840	725,577	863	2,095 06	2,095 70



## RETURN

(81c)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882;—For a Statement showing: 1st. The working expenses and revenue of the Intercolonial Railway in each of the years 1877, 1878, 1879, 1880 and 1881. 2nd. The number of the employés of the Railway and the salaries paid in each of those years. 3rd. The number of miles run in each year.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
4th April, 1882.

Years.	Working Expenses.	Earnings.	Miles Run.			Total Number of Employés.	Amount of Salary and Wages.	Miles of Road in Operation.
			Engines.	Trains.	Cars.			
	\$ cts.	\$ cts.					\$ cts.	
1877	1,661,673 55	1,154,445 35	2,176,201	1,773,621	15,973,420	2,338	953,578 08	714
1878	1,811,273 56	1,378,946 78	2,499,088	2,160,080	22,164,816	2,411	996,445 92	714
1879	2,010,508 31	1,294,099 69	2,531,791	2,111,426	21,855,441	2,370	1,073,567 41	714
1880	1,603,429 71	1,506,298 48	3,076,342	2,535,654	28,254,065	1,910	852,720 58	830
1881	1,759,851 27	1,760,393 92	3,453,078	2,813,723	32,201,157	2,154	939,533 76	840

## RETURN

(81d)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882;—For a Return showing the number of Locomotives and Cars of all descriptions and of Snow Ploughs and Flangers, belonging to the Intercolonial Railroad, now undergoing repairs at the several workshops of the Intercolonial Railroad or elsewhere, and the number of Locomotives, Cars of all descriptions, Flangers and Snow Ploughs, belonging to the Intercolonial Railroad awaiting repairs in any workshops or at any Station of the Intercolonial Railroad, or elsewhere.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
4th April, 1882.

[In accordance with the recommendation of the Joint Committee on Printing the above Return is not printed.]

## RETURN

(81e)

To an ORDER of the HOUSE OF COMMONS, dated 22nd March, 1882;—For Copies of all Advertisements or Circulars, Tenders, Contracts, Correspondence, Telegrams, Accounts, Vouchers and other Papers respecting the purchase of second-hand Coal Hoppers from or through B. Burland.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
5th April, 1882.

*Secretary of State.*

INTERCOLONIAL RAILWAY, MECHANICAL SUPERINTENDENT'S OFFICE,  
TOWANDA, Pa., 2nd November, 1881.

DEAR SIR,—I reached this place yesterday a.m., and found that nearly all the coal cars that I came to see had within the last few days been put in service, after having been idle, it is said, since last spring. I saw about 120 yesterday, part of them here and part at Waverly, 20 miles away. Last night 118 came in and I looked at them this forenoon. Some of these cars are about nine years old and not in very good condition, while others vary from less than one year to five, and are in very good order, most of them quite serviceable, a few, about fifty, as good as new, having been used but little.

The wheels and axles of which there are three sizes, are altogether different from anything we have in use, and if they should be purchased would involve the procuring of new patterns and castings to be used in repairs.

As I wired you to-day, I think about two hundred could be selected from the whole lot that would be really serviceable, the principal objection being that they are different from our cars.

Mr. Lyon, the Superintendent here says, that if they are purchased they will be put in condition to run should any require it.

If we take them some person should be here to select, unless you are willing to trust Mr. Lyon not to send any bad cars. I understand he has a market for forty or fifty of the poorer ones.

I do not think it worth while to stay here any longer, for the cars being in daily use it might be some days before I could see them all, and I am able to form a fair opinion of the lot from those I have seen, at all events nearly all of the three hundred are in use every day, but few of them being set out for repairs.

The reason that these cars are sold is that the road is about to abandon the use of this description of cars, and use the 15 ton cars, such as we are having built.

Yours truly,  
H. A. WHITNEY.

12th November, 1881.

MY DEAR SIR HUGH.—Just before leaving Montreal you gave me verbal notice that you intended, on my return, to demand possession of the Pictou Branch.

I have agreed to go over the eastern extension next Friday with the officers of my Department, and at the request of Capt. Melbourne, to inspect the condition of the road.

You are, no doubt, aware, that the greatly increased coal traffic has created an imperative demand for a large number of coal cars, and I am now asking tenders for the immediate construction of 400 cars, a large proportion of which will be 15 ton cars. It would be impossible for you to take over the road without something like 400 coal cars in addition to the supply that would be furnished you by the Intercolonial.

Mr. Burland, of Messrs. Burland & Watson & Company, has proposed to sell 300 good second-hand coal cars now in New York. Of course, if the road is to be taken over by you, the Intercolonial will not require these cars in addition to the number I am contracting for.

Having received notice that you intend to demand possession of the branch immediately, it would be impossible for me to assume the purchase of these cars while their acquisition presents a favorable opportunity of equipping your road with coal cars that are absolutely necessary to your assuming its management, and at a small cost, and meeting the present necessities of the traffic.

Under these circumstances, I have decided to propose to you to purchase these 300 cars at a price to be fixed by an inspector, who will be sent from the Intercolonial Railway Department for that purpose.

In case you do not obtain possession of the road I will take the cars at cost price.

Hoping that this proposal will be satisfactory to you,

I remain, yours faithfully,

CHARLES TUPPER.

SIR HUGH ALLAN, Montreal.

P. S.—I would be glad if you would send a Car Inspector to act in conjunction with the one sent from the Railway Department here.

(Copy of Telegram.)

MONTREAL, 19th November, 1881.

Sir CHARLES TUPPER.

If assured of permanent possession of Pictou Branch I would buy Burland's rolling stock at once, but under the circumstances you should buy it, and if I get the road I would take over from you. Reply before four o'clock as Burland leaves for New York to-night.

HUGH ALLAN.

Sir HUGH ALLAN, Montreal.

STEWIACKE, 19th November, 1881.

If found good I will take two hundred on terms proposed by you, provided they are delivered at Chaudière Junction within ten days after I receive report of Inspector, and notify Mr. Burland of their acceptance and that the price does not exceed two hundred and ten dollars each delivered at that point.

CHARLES TUPPER.

(By Telegraph from Philadelphia.)

21st November, 1881.

To D. POTTINGER.

I leave this morning. There has been trouble with some of the cars jumping the track, and for this reason were refused by another railway. Better not close trade at present; am making further enquiry.

H. A. WHITNEY.

YOUNG'S HOTEL, BOSTON, 22nd November, 1881.

DEAR SIR,—I wired you to-day from New York, that Burrows & Co. had made a written offer to supply 100 twenty ton gondola cars for \$555 each, delivered at York, Pa. I think this a much better offer than that of the five ton cars, provided the time of delivery will suit, viz., 15th January. You did not let me know the price asked for the small cars, and I did not think to ask for it, and I may say here that 50 of them would be worth about \$250 each, 100 about \$190 to \$200, and 50 not more than \$150, though the latter are in such condition as to be serviceable for some time yet; still they are old cars and would not last long, this is supposing they run well and do not jump the track, as I was informed they did by a person on the train to Philadelphia, and there is the other objection of their different sizes and description of axles and bearings, spoken of in my former letter.

I enclose the letter from Burrows & Co., containing their offer, and add that the car specified is substantially the same as those now being built for us, except that the trucks are not precisely the same, and the body a little longer and not quite so high.

If you can wait, these are altogether the best cars to have.

Yours truly,

H. A. WHITNEY.

MONTREAL, 23rd November, 1881.

Sir CHARLES TUPPER.

The following is a copy of a telegram received, this afternoon, from Mr. J. B. Burland, dated New York, this day:—About 50 of the cars have only been used two or three times, balance of 200 in good condition. Will you kindly address any instructions to me at Morton House, Union Square, here? If you have any instructions to give Mr. Burland on this subject, you can either address him direct, or if you will send them to me, I will forward same.

HUGH ALLAN.

MONCTON, 26th November, 1881.

Sir HUGH ALLAN, Montreal.

From Inspector's report, I don't think it advisable to take any of the cars offered by Mr. Burland.

CHARLES TUPPER.

(Copy of Telegram.)

NEW GLASGOW, 9th December, 1881.

Sir CHARLES TUPPER.

care of Andrew Robertson, 1,100 Dorchester street, Montreal.

Have received answer; you can select fifty and will deliver at Chaudière Junction, at two hundred and thirty-eight dollars, cash, or one hundred at two hundred and twenty-eight, delivered same place. Kindly advise me here, at your earliest convenience, as I have been requested to reply to-morrow.

J. B. BURLAND.

(By Telegraph from Montreal.)

12th October, 1881.

D. POTTINGER.

We take delivery at Chaudiere Junction at once, one hundred of the Burland hopper cars; Whitney to make the selection; price, \$228 (two hundred and twenty-eight dollars) each.

C. SCHREIBER.

OTTAWA, 10th December, 1881.

J. B. BURLAND, New Glasgow.

We take 100 of the hopper coal cars, selected by Whitney, delivered at Chaudiere at once, at price you named, \$228 each. You had probably better accompany Whitney in making the selection.

C. SCHREIBER.

(Copy of Telegram.)

NEW GLASGOW, N.S., 10th Dec., 1881.

C. SCHREIBER.

Your instructions this date received, and will receive prompt attention.

J. B. BURLAND.

OTTAWA, 10th Dec., 1881.

G. A. WHITNEY, Point Lévis.

We take 100 of the hopper coal cars selected by you at \$228, delivered immediately at Chaudière. You had better accompany Mr. Burland to select and see them forwarded.

C. SCHREIBER.

(Copy of Telegram.)

SOUTH QUEBEC, 10th Dec. 1881.

C. SCHREIBER, Montreal.

It is important that I should go to Moncton before starting to see cars, unless absolutely necessary to go west from here. I will go home Monday and leave for New York Tuesday night. Where is Mr. Burland?

H. A. WHITNEY.

(Copy of Telegram.)

MONCTON, 22nd Dec., 1881.

C. SCHREIBER.

I presume we are to pass the Burland hoppers through the Custom House duty free.

D. POTTINGER.

OTTAWA, 22nd Dec., 1881.

D. POTTINGER, Moncton.

Yes. Enter them free.

C. SCHREIBER.

W. H. BURLAND, New York, U. S.

1882. Jan. 3.—For 100 5-ton coal cars @ \$228 each, delivered at Chaudière Junction..... \$22,800 00

Certified correct.

H. A. WHITNEY, Mechanical Supt.

Received of the Intercolonial Railway, in full of the above account, the sum of twenty-two thousand eight hundred dollars, 25th day of February, 1882.

W. H. BURLAND,  
per J. B. B.

Approved for payment, D. P.

OTTAWA, 25th January, 1882.

SIR,—The pressing necessities of the coal traffic on the Intercolonial Railway have demanded an increase in the number of coal cars for immediate use, and one hundred of such cars having been offered for early delivery at Chaudière Junction at \$228 each, I recommend that the offer be accepted, but before payment can be made it will be necessary to procure authority by an Order in Council.

I am, Sir, your obedient servant,

COLLINGWOOD SCHREIBER.

(*Copy of Telegram.*)

MONCTON, 13th February, 1882.

C. SCHREIBER.

Voucher is made in favor of J. B. Burland, Montreal, and passed to Mr. Foot.

J. B. BRUCE.

OTTAWA, 17th February, 1882.

*Memorandum.*

The undersigned has the honor to represent that the large increase in the coal traffic of the Intercolonial Railway renders it imperative that additional coal cars be provided for the present winter's use.

That an offer has been received from Mr. J. B. Burland, of Montreal, to supply 100 second-hand hopper coal cars at \$228, with immediate delivery at the Chaudière Junction, and the Chief Engineer of Government Railways in operation advised the acceptance of this offer.

The undersigned accordingly recommends that he be authorized to purchase from Mr. Burland 100 coal cars as described, for the sum of \$228 each, the aggregate cost being \$22,800, said sum to be placed in the Supplementary Estimates for 1881-82.

Respectfully submitted.

CHARLES TUPPER, Minister of Railways and Canals.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 20th February, 1882.*

On a Memorandum, dated the 17th February, 1882, from the Minister of Railways and Canals, representing that the large increase in the coal traffic of the Intercolonial Railway renders it imperative that additional coal cars be provided for the present winter's use. That an offer has been received from Mr. J. B. Burland, of Montreal, to supply one hundred second-hand hopper coal cars at \$228 each, with immediate delivery at the Chaudière Junction, and the Chief Engineer of Government Railways in operation, advises the acceptance of this offer;

The Minister accordingly recommends that he be authorized to purchase from Mr. Burland 100 coal cars as described for the sum of \$228 each, the aggregate cost being twenty-two thousand eight hundred dollars (\$22,800) said sum to be placed in the Supplementary Estimates for 1881-82.

The Committee submit the above recommendation for Your Excellency's approval.

Certified,

J. O. COTÉ, C. P. C.

Hon. Minister of Railways and Canals.

MONCTON, N. B., 8th April, 1882.

D. POTTINGER, Esq., Chief Superintendent, Moncton.

DEAR SIR,--In reply to the enclosed letter from Mr. Schreiber, in reference to the Burland hopper cars, I have to say that these cars will hold five net tons. They are not very inferior stock; most of them, of course, are second hand cars, but some of them, the first time I saw them, had not had a pound of coal in them.

About fifty of them were from two months to a year old, and had been used but very little. The others had been considerably used, but were all sound cars; they are not dangerous to couple any more than any ordinary car, and they keep the road as well as any hoppers do.

The draw bars being somewhat lower than our standard height for box and platform cars, a crooked coupling is required when they are coupled to other cars, otherwise they are no more trouble or dangerous to use than any cars that we have.

I heard a report the first time that I went to see them that they would not keep the road, but I found that that report was incorrect.

You are aware that I objected to these cars on the grounds that they were of different construction from ours, and necessitated our getting new patterns made to correspond to castings.

Yours truly,

H. A. WHITNEY, Mechanical Superintendent.

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## RETURN

(81f)

To an ORDER of the HOUSE OF COMMONS, dated 22nd March, 1882:—  
For copies of the Statement and Complaint of Joseph St. Laurent, in relation to the killing of a horse by the Intercolonial Railway at Rimouski; of the Report of Mr. Rennie, and evidence thereunto annexed, and of all other Documents and Correspondence relating to the said Accident.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
4th April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing, the above Return is not printed.]

## RETURN

(81g)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882:—  
For Copies of all Reports made by Frank Shanly, on claims made by Contractors or others on the Intercolonial, with a Statement showing the nature of the Claim and the Amount claimed in each case: Also, a Statement showing what action, if any, has been taken by the Department of Railways and Canals, or by the Privy Council on any of such Claims or Reports.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
12th April, 1882.

*Secretary of State.*

STATEMENT of cases reported on by F. Shanly, showing nature of claim, amount claimed, amount recommended, and action.

Date.	Name.	Nature of Claim.	Amount of Claim.	Amount Recommended.	Action.
1881.			\$ cts.	\$ cts.	
Jan. 21	G. Moffatt.....	Freightage, &c., on rails.....	5,872 75	4,777 25	Estimates.
Feb. 10	A. Johnson & Co..	Engine house at Truro.....	2,575 48	2,578 48	Paid.
Apr. 23	J. C. Nolan.....	Rent of buildings, St. Octave..	132 00	132 00	Estimates.
do 29	Amice Duval.....	Labor on Section 16.....	104 55	Nil.	
do 29	E. P. Ellis.....	Hauling stone.....	51 20	do	
do 29	W. S. Bateman.....	Labor.....	125 50	do	
.....	Hon. W. Muirhead.	Advances to contractors, Sec. 16	2,651 27	do	
Sept. 29	D. Bergin.....	Damage to land near Rimouski	500 00	do	
do 29	K. F. Burns.....	Labor, Section 16.....	831 36	do	
do 29	F. Meahan.....	Horse hire.....	810 00	do	

INTERCOLONIAL RAILWAY, CHIEF ENGINEER'S OFFICE,  
OTTAWA, January 21st, 1881.

*Re Claim of Executors of G. Moffat.*

SIR,—This is a claim made for work done for the Intercolonial Railway in 1875, the amount so claimed being \$5,872.75 for the hauling and freightage of certain rails for the Intercolonial Railway at Campbellton, and for \$1,311.39 interest on the above sum.

It appears, by some of the papers included in the Hon. I. Buchanan's official report on the subject, that the contract for transport above referred to, was given by the Railway Commission to Mr. J. J. McDonald, but he having no appliances for carrying out such work, requested the late Mr. Geo. Moffatt to undertake it for him.



This, however, Mr. Moffatt refused positively to do, feeling, as it appears, aggrieved that the contract was not given to him in the first place; this action of his, seems to have brought about a dead lock, Mr. McDonald being unable, and Mr. Moffatt refusing to do the work. Subsequently, however, the necessity for removing the rails became so pressing that Mr. Moffatt, on the authority of a telegram from Mr. Peter Grant, Resident Engineer in charge, for the Government, in which he state that "Mr. Stevenson, the paymaster, would pay him," consented to undertake the transport, and accordingly carried out the work, for which he claims he has had no settlement.

It seems clear that Mr. McDonald was the the original contractor under the Government in 1875, but it does not seem clear that Mr. Moffatt did the work for *him*, in fact Mr. Grant's telegram, before referred to, was his only authority, and upon the faith of it, and having confidence that the Government would pay him, he consented to proceed with the work, and did carry it to completion.

As far as I can learn Mr. McDonald received at least a part of the money so earned, if not all, and he should therefore refund this to the Government, for Mr. Moffatt. It is clear that Mr. Moffatt is entitled to payment for the work, and it is equally clear that Mr. McDonald had no right to receive the money, but having received it should refund it. How this is to be enforced is a question for the lawyer, and I can do no more than recommend that such steps be taken, that the executors of Mr. Moffatt be paid the amount of their claim.

I am, Sir, your obedient servant,

F. SHANLY, Chief Engineer Intercolonial Railway.

F. BRAUN, Esq., Secretary Railways and Canals.

OTTAWA, 8th June, 1881.

*Memorandum.*

The undersigned has the honor to represent that in 1875 contract was entered into with Mr. J. J. McDonald for the reception and transport of certain rails for the Intercolonial Railway :

That Mr. McDonald not having means and appliances at hand for this work, endeavored to make arrangements with one George Moffatt, now deceased, who ultimately upon the telegraphic request of the Engineer in Charge, made under urgent necessity for the removal of the rails from the ship, undertook, and duly executed the work;

That the Government, recognizing Mr. McDonald as the contractor and Mr. Moffatt as a sub-contractor only, at the conclusion of the work paid the former for the same, leaving him to deal with Mr. Moffatt;

That Mr. Moffatt, however, declined to be regarded in the light of a sub-contractor or agent of Mr. McDonald, claiming that the telegram above referred to from the Engineer in Charge constituted a contract, and that he should consequently be paid by the Government;

That the matter has been made the subject of reference to one of the official arbitrators, before whom evidence was taken, and whose opinion supported Mr. Moffatt in his view of the position;

That a subsequent reference to the Engineer in Chief of the Intercolonial Railway appointed for the determination of such claims as the present, has ensued in a report, favorable to the claimant, in which it is advised that payment be made to the heirs of Mr. Moffatt of the sum of \$4,777.25 (the claim as submitted being \$5,872.75), which sum the Chief Engineer considers to have been fairly earned by Mr. Moffatt under what he holds to be "sufficient authority from the Engineer acting for the Commissioner appointed by the Government."

He further advises that Mr. McDonald, having received the money to which he had no right should refund the same to the Government.

The undersigned accordingly recommends that authority be given for the payment to the heirs of Mr. Moffatt of the said sum as advised.

Respectfully submitted,

J. H. POPE, Minister of Railways and Canals.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 13th June, 1881.*

In a Memorandum, dated 8th June, 1881, from the Honorable the Acting Minister of Railways and Canals, representing that in 1875 a contract was entered into with Mr. J. J. McDonald for the reception and transport of certain rails for the Intercolonial Railway;

That Mr. McDonald not having means and appliances at hand for this work, endeavored to make arrangements with one George Moffatt, now deceased, who ultimately upon the telegraphic request of the Engineer in Charge made under urgent necessity for the removal of the rails from the ship, undertook and duly executed the work;

That the Government recognizing Mr. McDonald as the contractor and Mr. Moffatt as a sub-contractor only, at the conclusion of the work paid the former for the same, leaving him to deal with Mr. Moffatt;

That Mr. Moffatt, however, declined to be regarded in the light as a sub-contractor or agent of Mr. McDonald, claiming that the telegram above referred to from the Engineer in Charge constituted a contract, and that he should consequently be paid by the Government;

That the matter has been made the subject of reference to one of the official arbitrators, before whom evidence was taken and whose opinion supported Mr. Moffatt in his view of his position;

That a subsequent reference to the Engineer-in-Chief of the Intercolonial Railway appointed for the determination of such claims as the present, has ensued in a report favorable to the claimant, in which it is advised that payment be made to the heirs of Mr. Moffatt of the sum of four thousand seven hundred and seventy-seven dollars and twenty-five cents (\$4,777.25), the claim submitted being \$5,872.75, which sum the Chief Engineer considers to have been fairly earned by Mr. Moffatt under what he holds to be "sufficient authority from the Engineer acting for the Commissioners appointed by the Government;"

That the Chief Engineer further advises that Mr. McDonald having received the money to which he had no right should refund the same to the Government.

The Minister accordingly recommends that authority be given for the payment to the heirs of Mr. Moffatt of the said sum as advised.

The Committee submit the foregoing recommendation for Your Excellency's approval, and they advise that the Minister of Justice be directed to cause proceedings to be taken to recover the moneys erroneously paid to Mr. McDonald, or that the same be stopped out of any money which may be or become payable to Mr. McDonald by the Crown.

Certified, J. O. COTÉ, C.P.C.

Hon. Minister of Railways and Canals.

INTERCOLONIAL RAILWAY, CHIEF ENGINEER'S OFFICE,  
OTTAWA, 10th February, 1881.

*Re Claim A. Johnson & Co.*

SIR,—This is a claim brought by Messrs. Andrew Johnson & Co. of Truro, N. S., for extra work done on the Engine house at that place, erected by them under their tender amounting to seventeen thousand nine hundred and five dollars. This tender was accepted in March, 1872, and the work completed about September, 1873.

In three accounts (1, 2, and 3). Exhibit "G," as laid before the official arbitrator and referred to hereafter in the report, Messrs. Johnson & Co., claim a sum of \$2,870.88 as follows:—

(1.) Extra cost of masonry on account of change from rubble to ashlar work.....	\$2,000 00
(2.) Extra sheeting to cupola.....	87 36
(3.) Sundry work as detailed.....	783 52
	\$2,870 88

Upon No. 3 only, Messrs. Fleming and Schreiber allowed anything; they deciding that Messrs. Johnson & Co. were entitled to \$506.60, this sum, was, in December 1873, paid to them, they giving therefore, a receipt in full of all claims, but, as he asserts in his sworn evidence, they did this under protest.

Subsequently to the receipt of this \$506.60, and, in 1880, Messrs. Johnson & Co. had their claim referred to arbitration, and the case was, in April and May of that year, heard before Mr. Compton, Dominion Arbitrator at Truro and Halifax. Here Messrs. Johnson & Co. presented a bill of particulars of their claim somewhat modified from that of 1873 (Exhibit G), made up as follows:—

Item 1.—Extra masonry.....	\$2,160 00
Item 2.—Sheeting inside of cupola.....	87 36
Item 3.—Additional brick work.....	327 92
	\$2,575 28

Total claim as set down in document marked "N," attached to Exhibits A, B, C, D, E, F and G, in addition to which they claim interest for six years on the above amount, also for an allowance on item No. 1 as profit on the masonry.

The weight of the evidence taken under oath before the Dominion Arbitrator, the whole of which is herewith submitted (marked No. 1 S to 10 S inclusive) seems to support the claim in each of its three items as above, and Mr. Compton, the arbitrator, in his report—23,244—herewith submitted, concurs in this view, going fully into the evidence, which I have carefully read, and which appears to me to establish the claim beyond a doubt. I have, therefore, to report that I entirely agree with Mr. Compton in his conclusion that the claimants are in equity entitled to be paid for their extra work, and which I consider they have fully proved to be such in addition to their contract, and I, therefore, recommend that they be paid the sum of \$2,575.28 less \$506.60 already paid. The claim of interest will, of course, rest with the Government to deal with. But I do not recommend any sum on the claim advanced for profit on the masonry work (item No. 1, particulars of claim "N") as I believe that the price allowed for this, \$10 per cubic yard, should be sufficient to cover all contingencies.

I have the honor to be, Sir, your obedient servant,  
F. SHANLY, Chief Engineer, I.C.R.

F. BRAUN, Secretary Department Railways and Canals.

Re claim Andrew Johnson & Co., abstract of papers accompanying the report of F. Shanly, 10th February, 1880.

Evidence taken before the Official Arbitrator in 1880, ten documents numbered 1 to 10 consecutively.

Particulars of claim, marked "N," 1880.

Exhibits laid before the Arbitrator, 1880, marked A, B, C, D, E, F and G.

Report of the Official Arbitrator. Mr. Wm. Compton, on the evidence and claim, 23,244.

OTTAWA, 10th February, 1881.

F. S.

INTERCOLONIAL RAILWAY, CHIEF ENGINEER'S OFFICE,  
OTTAWA, 28th April, 1881.

*Re Claim of J. C. Nolan.*

SIR,—This is a claim of \$130 for the rent of a certain building at St. Octave de Métis, on section 13, Intercolonial Railway, which he alleges was occupied by the Government for a telegraph office and storage purposes for eleven months, from June, 1874, to May, 1875.

In support of his claim, and in proof that the building was his property, he puts in a copy of the deed of purchase and a number of certificates (No. 5070, 26th April, 1880, herewith) with a letter of explanation (No. 129, March 29th, 1881, herewith) which so far seems to prove the validity of his claim.

In further proof, I have before me a letter from Mr. William McCarthy, the assistant engineer at that time on section 13, addressed to Mr. Schreiber (marked A 25th September, 1875) which would seem to establish the ownership, and consequently the claim for rent, the period for which, however, Mr. McCarthy places at nine months, based upon the fact that Mr. Nolan had sued W. E. McDonald & Co. for rent due up to the end of July, 1874, the suit going against the claimant. From this Mr. McCarthy argues that Mr. Nolan can only claim rent from the Government from that date to the 1st of May, 1875, nine months. I do not quite agree with this reasoning, but am inclined to the belief that he should be paid the full amount of his claim, as it seems beyond doubt that the building was occupied for the eleven months.

Verbal evidence given to me by Mr. William H. Stevenson, formerly paymaster, is to the effect that the Government certainly occupied the premises in question during a portion of 1874-75, and that he (Nolan) is entitled to rent for that time; he cannot now, however, recall the exact period of such occupation.

I have also the letters of Messrs. Schreiber and Brydges', copy numbered respectively 5,425 and 8,473.

Mr. Schreiber's letter, dated 2nd October, 1875, covers the account rendered by Mr. Nolan for the rent which he declines to certify, without, however, stating his reason for doing so.

Mr. Brydges' letter is dated 22nd April, 1878, in which he says: "After making enquiry, I find that the claim is one the Department cannot entertain."

On applying to Mr. Fleming to give his views on the case he informs me that he can give no information on the subject. My letter, and his reply marked B, 13th April, 1881, is also enclosed.

Notwithstanding the letters of Messrs. Schreiber and Brydges, I am inclined to the belief that Mr. Nolan's claim is a just one—this being based upon the documentary evidence as given by No. 5,070 letter, marked A, and upon the verbal evidence of Mr. Stevenson above referred to.

I am Sir, your obedient servant,

F. SHANLY, Chief Engineer.

*Documents accompanying Report.*

No. 1.	Certificates marked	5070
2.	Letter	do 129
3.	do	do A
4.	do	do 5425
5.	do	do 8473
6.	do	do B

INTERCOLONIAL RAILWAY, CHIEF ENGINEER'S OFFICE,  
OTTAWA, 4th November, 1881.

*Re J. C. Nolan.*

SIR,—I am in receipt of your letter, No. 16,841, 3rd November, 1881, with reference to my report on this case, No. 26,175, 29th April, 1881, calling my attention

to the report of the Chief Engineer of Government Railways. Endorsed thereon, and in reply, I have carefully re-examined the papers referring to the claim as mentioned in my Report. Mr. Nolan shows, beyond a doubt, that he re-purchased the property in May, 1874; I think, therefore, that he is fairly entitled to his rent from the 31st of that month until the 1st of May, 1875, he having been the proprietor during that period. See No. 5,070 herewith.

It would appear, however, by Mr. McCarthy's letter "A," 27th September, 1875, that the work, on section 13, was completed by the Government in October, 1874, and that he considers Nolan to be entitled to rent from that date only to 1st of May, 1875, say seven months. I cannot quite agree to this view of the case, as Mr. Nolan seems to have purchased the property in good faith at the date mentioned above, and with the expectation of receiving his rent.

I am, therefore, still of opinion that he should be paid the full amount of his claim, \$132; the sum recommended by Mr. McCarthy, at the rate charged, would be \$84.

I am, Sir, your obedient servant,

F. SHANLY, Chief Engineer.

F. BRAUN, Esq., Secretary, Railways and Canals.

INTERCOLONIAL RAILWAY, CHIEF ENGINEER'S OFFICE,

OTTAWA, 29th April, 1881.

*Sundry Claims Account, King & Gough.*

SIR,—There have been submitted to me for report, four claims, in connection with section 16, all of which I have investigated, with the assistance of the documents laid before me, and the books of the above firm.

The claims are, (1.) of Amice Duval. (2.) Edward P. Ellis. (3.) W. Bateman. (4.) Hon. Wm. Muirhead.

All these arise out of the contract above named, and are made upon the plea that the Government, at the time the contractors failed, undertook to and did pay arrears of wages due to the laborers and others. The result of my investigation is as follows:—

(1) *Amice Duval.*

He claims a balance due him for laboring work, and horse hire, in 1872, of \$104.55. An examination of the books, however, fails to show that there was at the time anything to his credit; but, on the contrary that he was over-paid (see statement "A" herewith) by about \$20. I cannot, therefore, recommend the payment of this claim.

(2) *Edward P. Ellis.*

A claim for \$51.20, for hauling stone in 1874; no trace is to be found in the books on pay rolls after February, 1873, when, and in January of the same year, he seems to have worked for about 31 days, and was paid for the same as appears on the pay-rolls (an extract of which marked B submit) there does not, therefore, seem to be any just claim.

(3) *William S. Bateman.*

A claim of \$125.50 for laboring work done in 1872; no trace to be found in the books and no pay-rolls of the dates indicated, viz., January, February and March, 1872. I do not think that this claim can be entertained.

(4) *Hon. Wm. Muirhead.*

This is a claim amounting to \$265.27 with interest since 1874, for cash and goods furnished the contractors in 1873 and 1874. There is nothing in the books to show that any such transactions ever took place, and as the books are the only evidence, which under the circumstances, I could entertain, I cannot recommend that any action be taken.

The following documents referring to the above named claims are herewith submitted:—

1. Marked "A," *re* Amice Duval.
2. do 24,209 *re* do.
3. do "B," *re* E. P. Ellis.
4. do 24,134 *re* do
5. do "C," *re* Wm. S. Bateman.
6. do "D," *re* Wm. Muirhead.

I am, Sir, your obedient servant,

F. SHANLY, Chief Engineer.

F. BRAUN, Esq., Secretary, Railways and Canals.

OTTAWA, 29th September, 1881.

SIR,—I beg leave to submit the following report upon sundry small claims, arising out of the construction of the Intercolonial Railway, and submitted to me for investigation, as follows:—

*D. Bergin.*

This is a claim for alleged damages to property, caused by the erection of a snow fence along the line of the Intercolonial Railway, near Rimouski, for which he claims damage to the amount of \$500.

This claim has already been referred to and reported on by Mr. James Cowan, Official Arbitrator, and in his Report, No. 24,148, dated 24th September, 1880, he disallows the claim in very decided terms. Under these circumstances, I do not see my way to open up the case, which is essentially one for such arbitration as has already passed upon it, and I, therefore, return all the papers submitted to me, viz., Nos. 21,092, 24,148, 24,194, 24,699, 25,563 and 3,461 respectively.

*K. F. Burns.*

This is a claim for \$331.36 for work done on section 16 in 1873 and 1874, see No. 169 herewith. After the work had been abandoned by the contractors, King and Gough, as there is no mention made of Mr. Burns in connection with this work in either the ledger or pay sheets previous to March, 1874, up to which date his claim is carried—see his account No. 169 herewith—I cannot see that he can establish such claim, and it would seem to me by reference to Nos. 24,904 and 94,928 herewith submitted, that his account might be included in a claim made by one Michael Cowhig for \$1,600, which appears in King and Gough's ledger and pay-sheets, which claim I reported upon 5th May, 1881, recommending payment, and for which Mr. Burns asserts that he holds Cowhig's power of attorney to receive the money. A copy of this power or assignment will be found in No. 24,928 before referred to.

Under the circumstances, I cannot recommend that Mr. Burns' claim be recognized, and that if he asks for further investigation it should be made by the Dominion Arbitrators.

*F. Meahan.*

This claim also arises out of work done on section 16 for King and Gough, contractors, and, as set forth in statement marked 22,718, amounts to \$810, for the labor of horses in 1873 and 1874. An inspection of the ledger and pay-sheets throws no light upon this claim. In September, October, and November, 1873, there appear three items of ten dollars each, for boys driving horses, but these are marked paid.

I make the same recommendation as in the last case, that of H. F. Burns, and return all the papers submitted to me, marked Nos. 8,226, 22,718 and 11a.

I am, Sir, your obedient servant,

F. SHANLY, Chief Engineer, I. C. R.

F. BRAUN, Esq., Secretary, Railways and Canals.

## GEORGE MOFFATT'S CLAIM.

Date.	Name.	Reference.	Remarks.
1881. Jan. 21-22	From F. Shanly .....	25263	Reports that Mr. Moffatt is entitled to payment for his work, and that Mr. J. J. McDonald, who received the money, should refund it.
June 8	To Report to Council.....	16348	Recommends } payment of \$4,777.25. Authorizes }
do 13	From Order in Council....	26508	

## ANDREW JOHNSON &amp; CO.'S CLAIM.

1881. Feb. 11-14	From F. Shanly.....	25457	Reports claimants are entitled to be paid \$2,575.48, less \$506.60 already paid.
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## J. C. NOLAN'S CLAIM.

1881. April 28-29	From F. Shanly.....	26175	Considers the claim a just one.
Nov. 1-7	do .....	27361	Reports recommending payment of full amount of his claim, \$132.00.

## A. DUVAL, E. P. ELLIS, W. BATEMAN, AND HON. WM. MUIRHEAD'S CLAIM.

1881. April 29-30	From F. Shanly.....	26189	Reports on claims of A. Duval.....\$ 104 55 do do E. P. Ellis ..... 51 20 do do W. Bateman ..... 125 50 do do Hon. W. Muirhead. 2,651 27 Cannot recommend payment of any of the above.
1881. Oct. 29 } Nov. 5 }	From F. Shanly .....	27113	Report on claim of D. Bergin, for \$500. Award, Nil.
do	do .....	27115	Report on claim of K. F. Burns, for \$831.36. Award, Nil.
do	do .....	27116	Report on claim of F. Meahan, for \$810. Award, Nil.

## RETURN

(81*h*)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882;—  
For a Return shewing what branch or branches and sidings of the Intercolonial Railroad were built or commenced during the year ending December 31st, 1881, the length and the cost of each and the amount expended, and estimated total cost of any branch or siding commenced and not completed before December 31st, 1881.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
17th April, 1882.

*Secretary of State.*

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER, OTTAWA, 5th April, 1882.

SIR,—With reference to the Order of the House of Commons, dated the 9th March, asking for information in connection with the branches or sidings of the Intercolonial Railway, built or commenced during the year ending 31st December, 1881, I have the honor to report that, as a rule, the cost of sidings is not kept separate, but goes into the working expenses as a part of the cost of maintenance of way. It is therefore impossible to furnish a statement of the cost of all the different sidings put in. The only branches or sidings, for which a separate account was kept, were the ballast pit siding at Oxford and the Cotton Factory Branch at Halifax.

I enclose herewith a statement of the cost of each of these, also a list of all the sidings and branches put in during the year ending 31st December, 1881, with the length of each in feet.

I have the honor to be, Sir, your obedient servant,  
COLLINGWOOD SCHREIBER, Chief Engineer of Government Railways.  
E. BRAUN, Esq., Secretary, Department of Railways and Canals.

INTERCOLONIAL RAILWAY.

Statement showing what branch or branches or sidings of the Intercolonial Railway were built or commenced during the year ending December 31st, 1881, the length and cost of each, and the amount expended, and estimated total cost of any branch or siding commenced and not completed before December 31st, 1881:—

Siding—	Feet.
North street Bridge to deep-water terminus, Halifax.....	6,200
do At Sugar Refinery, Halifax.....	160
do Cotton Factory branch, Halifax.....	11,566
do Extension at Four-Mile House.....	548
do Onslow's.....	331
do Extension at Little Forks.....	150



Siding—For McIntosh and Dewar, New Glasgow.....	470
do Glass Company's Works .....	1,390
do New Glasgow Station.....	1,550
do Coal trestle, deep-water terminus, St. John.....	850
do At Spool Factory, Penobscuis.....	350
do Jones' Mills, Moncton.....	1,300
do Cattle pen, Moncton Yard.....	894
do Sackville .....	485
do At J. J. Miller's, Mr. Weldford.....	967
do Culligan's, four miles south of Jacquet River.....	355
do Freight House at Moncton Yard.....	1,045
do To coal shed, Campbellton Yard.....	1,391
do Extension from same to main line.....	106
do Oxford ballast pit.....	16,000

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INTERCOLONIAL RAILWAY.

Cost of Oxford Ballast Pit Siding, 16,000 feet in length ..... \$12,315 80

**Note.**—Between Roekland and Folly Lake the ballast pits are 76 miles apart, making the work of ballasting very expensive and difficult, many delays occurring in the despatch of trains. A fine ballast pit having been reported near Oxford, about three miles from the line of the Intercolonial Railway, a siding was run into it.

In 1876, under similar circumstances, the Commissioners for the construction of the Intercolonial Railway built a siding seven and one-half miles in length to reach a ballast pit.

Cost of the Cotton Factory Branch, Halifax, up to 28th February, 1882, (11,566 feet in length)..... \$12,777 89

This siding was constructed at the expense of the Cotton Factory.

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## RETURN

(81i)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882;—For a Return showing in detail the several sums which make up the sum of \$24,372.54, described in the Minister of Railways and Canals Report, Appendix No. 8, as an amount expended for the completion of the Intercolonial.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
17th April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing, the above Return is not printed.]

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## RETURN

(817)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882;---For a Return showing the total cost to date of the portion of the Intercolonial Railway between Rivière du Loup and the Terminus at Hadlow or Chaudière Junction, giving under distinct headings the price paid to the Grand Trunk Company, the amount expended in improvement of the Road-bed, the amounts paid for Rails and for Sleepers, the amount expended in Ballasting, in Erecting or Repairing Station Buildings, in making Sidings, in improving the Water Supply, the cost of Rolling Stock supplied and charged to Capital Account, and the number of Locomotives and Cars of all descriptions so supplied and charged ; and also the estimated amount, if any, required to complete the Repairs, Improvement and Equipment of that portion of the Road and to be charged to Capital Account.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State.

*Secretary of State.*

20th April, 1882.

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 INTERCOLONIAL RAILWAY.

RETURN showing the total cost to 23th February, 1882, of the portion of the Inter-colonial Railway between Rivière du Loup and Hadlow, and the amount expended in improvements, the cost of the rolling stock supplied and charged to capital, and the number of locomotives and cars of all descriptions so supplied and charged. Length, 124½ miles.

Account.	Amount.
Purchase of Rivière du Loup Branch.....	\$1,500,000 00
Tracklaying, ballasting, &c.....	\$123,788 61
Stations and buildings.....	106,744 82
Rails and fastenings.....	324,491 36
Sleepers.....	36,465 29
Fencing.....	9,321 57
Bridges, culverts, &c.....	18,628 13
Water service.....	12,243 02
Snow protection.....	10,830 56
Engine hire.....	4,656 00
Survey of loop line.....	353 97
Miscellaneous.....	47,925 98
	695,449 31
	2,195,449 31
Rolling stock.....	333,436 45
	Total cost to 28th February, 1882..... \$2,528,885 76

Rolling stock purchased :

	Number.
Locomotives.....	12
Cars.....	311
Ploughs.....	8

Estimated amount required to complete repairs, improvements and equipment of Rivière du Loup Branch, \$70,000.

INTERCOLONIAL RAILWAY.

COMPARATIVE STATEMENT OF Operations from date of the opening of the Line throughout on the 1st July, 1876.

FISCAL YEAR.	Average miles of Road worked.				Per Train Mile.				Per Mile of Railway.			
	Earnings.	Working Expenses.	Profit.	Loss.	Earnings.	Working Ex-penses.	Profit.	Loss.	Earnings.	Working Ex-penses.	Profit.	Loss.
1876-77.....	714	1,154,445	\$ 1,661,673	\$ 507,228	cts. 62-09	cts. 93-69	cts. 28-60	cts. 1,616 87	\$ 2,327 27	cts. \$ 710 40	cts. \$ 605 61	cts. \$ 1,002 92
1877-78.....	714	1,378,947	1,811,273	432,326	63-84	83-85	20-01	1,931 29	2,536 80	.....	.....	.....
1878-79.....	714	1,294,099	2,010,183	716,084	61-29	95-20	33-91	1,812 46	2,815 38	.....	.....	.....
1879-80.....	825	1,506,298	1,603,430	97,132	59-40	63-23	3-83	1,825 81	1,943 55	.....	.....	.....
1880-81.....	840	1,760,394	1,759,851	543	62-56	62-52	0-04	2,095 70	2,095 06	0 64	.....	.....

  

FISCAL YEAR.	Locomotives.		Number of Passengers		Tons of Freight carried.		Car Mileage.		Train Mileage.		Engine Mileage.	
	Number purchased on capital account.	This is the Stock each year.	Number carried.	Tons per mile of Railway.	Tons of Freight carried.	Car Mileage.	Train Mileage.	Engine Mileage.	Capital Expenditure in connection with the purchase.	River du Loup Branch.	Capital Expenditure in connection with the purchase.	Capital Expenditure in connection with the purchase.
1876-77.....	100	100	613,428	590	421,327	15,973,420	1,773,621	2,176,201	.....	.....	.....	.....
1877-78.....	100	100	618,957	732	522,710	22,164,816	2,160,080	2,499,088	.....	.....	.....	.....
1878-79.....	100	100	640,101	715	510,861	21,855,441	2,111,426	2,631,791	.....	.....	.....	.....
1879-80.....	100	100	581,483	681	561,924	28,254,065	2,535,654	3,076,342	.....	.....	.....	.....
1880 81.....	112	112	631,245	863	725,577	32,201,157	2,813,723	3,453,078	.....	.....	.....	.....

NOTE.—Mr. Brydges in his Report, 7th October, 1878, page 131, states: "The Engine Stock is now worked to its full capacity which will tend to increase the cost of repairs."

# INTERCOLONIAL RAILWAY.

(81)

## CAPITAL ACCOUNT.

MEMORANDUM of the quantity of Rolling Stock delivered and to be delivered; and of the Expenditure and proposed Expenditure thereon, from 1st July, 1874, to 1st July, 1883.

Fiscal Year.	Locomotives.	1st Class Passenger Cars.		2nd Class Baggage, Postal, Smoking and Express Cars.	Conductors' Vans.	Box Cars.	Flat Cars.	5-Ton Coal Cars.	15-Ton Coal Cars.	Snow Plows.	Box Car Flangers.	Expenditure	Total
												for Rolling Stock in Each Year.	Expenditure on Rolling Stock up to 30th June in each year.
												\$ cts.	\$ cts.
On hand 30th June, 1874.	68	37	45	5	300	578	656	.....	10	.....	.....	.....	2,640,427 38
1874-75.	48	3	6	.....	.....	.....	113	.....	2	.....	.....	583,904 44	3,224,331 82
1875-76.	20	6	12	2	179	450	131	.....	7	.....	.....	141,364 90	3,365,696 72
1876-77.	.....	.....	1	12	333	.....	.....	.....	11	.....	.....	316,552 10	3,682,248 82
1877-78.	.....	.....	5	18	348	.....	.....	.....	.....	.....	.....	125,245 52	3,807,494 34
1878-79.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,807,494 34
1879-80.	.....	.....	2	.....	.....	.....	.....	.....	6	4	.....	19,795 47	3,827,289 81
1880-81.	12	2	4	3	80	72	.....	.....	1	.....	.....	224,940 24	4,052,230 05
1881-82.	3	3	5	.....	240	48	100	250	.....	.....	.....	564,530 49	4,616,760 54
1882-83.	15	.....	.....	.....	.....	.....	.....	200	.....	.....	.....	305,000 00	4,921,760 54
	166	51	80	40	1480	1148	1000	450	37	4	.....	2,281,333 16	.....

INTERCOLONIAL RAILWAY.

STATEMENT of Rolling Stock provided on Capital Account, and of the Maintenance of the same, from the 30th June, 1874, to the 30th June, 1882.

Fiscal Year.	Engines.		1st Class Passenger Cars.		2nd Class a'd other Passenger Cars.		Conductors' Vans.		Box Cars.		Flat Cars.		5 Ton Coal Cars.		10 Ton Coal Cars.		15 Ton Coal Cars.	
	Full Stock.	In Stock.	Full Stock.	In Stock.	Full Stock.	In Stock.	Full Stock.	In Stock.	Full Stock.	In Stock.	Full Stock.	In Stock.	Full Stock.	In Stock.	Full Stock.	In Stock.	Full Stock.	In Stock.
30th June, 1874.	68	68	37	37	45	45	5	5	300	300	578	578	656	656	.....	.....	.....	.....
1874-75.	116	80	40	40	51	51	5	5	300	300	578	578	769	769	.....	.....	.....	.....
1875-76.	136	100	46	46	63	63	7	4	479	479	1028	1028	900	900	.....	.....	.....	.....
1876-77.	136	100	46	46	64	64	19	16	812	812	1028	1028	900	900	.....	.....	.....	.....
1877-78.	136	100	46	46	69	*168	37	34	1160	1160	1028	1028	900	900	.....	.....	.....	.....
1878-79.	136	100	46	46	69	*267	37	34	1160	1160	1028	1028	900	900	.....	.....	.....	.....
1879-80.	136	100	46	46	71	*269	37	34	1160	1160	1028	1028	900	864	†18	18	.....	.....
1880-81.	148	112	48	48	75	*273	40	37	1240	‡1228	1100	‡21098	900	636	18	18	§76	76
1881-82.	151	115	51	51	80	*278	40	37	1280	‡1268	1148	‡21146	1000	736	18	18	326	326
Short ...	36	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

\* Converted into Conductors' Vans; still in stock.  
 † Converted into Box Car Flangers; still in stock.  
 ‡ 36 5-ton Coal Cars were broken up and replaced by 18 10-ton Coal Cars.  
 § 228 5-ton Coal Cars were broken up and replaced by 76 15-ton Coal Cars.

INTERCOLONIAL RAILWAY—ROLLING STOCK.

Date.	Engines			1st Class Cars.			2nd Class, Baggage, Express and Postal Cars.			Conductors' Vans.			Box and Cattle Cars.							
	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock Sold or Condemned.	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.	Converted into Stock.	Converted into Conductors' Vans still in Stock.	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.	Stock worn out.	Converted into Box Car Flangers.
30th June, 1874.....	68	68	.....	.....	45	45	.....	.....	.....	5	5	.....	.....	300	300	.....	.....	.....	.....	.....
do 1874-75.....	116	80	.....	.....	51	51	.....	.....	.....	5	5	.....	.....	300	300	.....	.....	.....	.....	.....
do 1875-76.....	136	100	.....	.....	63	63	.....	.....	.....	7	7	.....	.....	3 479	479	.....	.....	.....	.....	.....
do 1876-77.....	136	100	.....	.....	64	64	.....	.....	.....	4	4	.....	.....	3 812	812	.....	.....	.....	.....	.....
do 1877-78.....	136	100	.....	.....	69	68	.....	.....	.....	19	16	.....	.....	3 1160	1160	.....	.....	.....	.....	.....
do 1878-79.....	136	100	.....	.....	69	67	.....	.....	.....	37	34	.....	.....	3 1160	1160	.....	.....	.....	.....	.....
do 1879-80.....	136	100	.....	.....	71	69	.....	.....	.....	1	34	.....	.....	3 1160	1160	.....	.....	.....	.....	.....
do 1880-81.....	148	112	.....	.....	75	73	.....	.....	.....	2	37	.....	.....	7 1240	1228	.....	.....	.....	.....	.....
do 1881-82.....	161	115	.....	.....	80	78	.....	.....	.....	2	40	.....	.....	.....	1280	.....	.....	.....	.....	.....
do 1882-83.....	166	130	.....	.....	80	78	.....	.....	.....	2	40	.....	.....	1480	1468	.....	.....	.....	.....	.....

\* These are not included in Vans.

INTERCOLONIAL RAILWAY—ROLLING STOCK—Concluded.

Date.	Flat Cars.				5-Ton Coal Cars.				15-Ton Coal Cars.				Box Car Flangers.				Wing and other Snow-ploughs.				
	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.	Converted into Box Car Flangers.	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.	Stock purchased on Capital Account.	Actual Stock on Road purchased on Capital Account.	Stock maintained by Operating Expenses.	Stock worn out.
30th June, 1874.....	578	578	.....	.....	.....	656	656	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1874-75.....	578	578	27	27	.....	769	769	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1875-76.....	1028	1028	53	53	56	900	900	56	56	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1876-77.....	1028	1028	60	60	56	900	900	56	56	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1877-78.....	1028	1028	69	69	56	900	900	56	56	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1878-79.....	1028	1028	94	94	56	900	900	56	56	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1879-80.....	1028	1028	115	115	95	900	864	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1880-81.....	1100	1098	146	146	323	900	636	*	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1881-82.....	1148	1146	.....	.....	21000	736	736	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
do 1882-83.....	1148	1146	.....	.....	21000	736	736	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

NOTE.—In 1874-75, in connection with the change of gauge, 36 engines were condemned and } 21 at \$ 9,000 \$189,000  
 have not been renewed at Operating Expenses. Cost about..... } 10 at 10,000 100,000  
 } 5 at 7,000 35,000 } \$324,000 Charged to change of gauge.

Value of old engines..... 43,200

In 1875-76, 3 Conductors' vans were broken up and have not been renewed at cost of Operating Expenses. \$280,800  
 Cost about \$800 each..... 2,400

In 1879-80, 36 5-ton coal cars were broken up, their capacity being 180 tons; they were replaced by 18 10-ton coal cars (same capacity 180 tons) more suitable to the traffic, at Operating Expenses.

In 1880-81, 228 5-ton coal cars were broken up, their capacity being 1,140 tons; they were replaced by 76 15-ton coal cars (same capacity 1,140 tons) more suitable to the traffic, at Operating Expenses. \$283,200



## INTERCOLONIAL RAILWAY.

(81m)

MEMORANDUM of the steel rails renewals :—

1874-5	Steel rails less value of old rails.....				\$ 225,725 69
1875-6	do do do				114,642 96
1876-7	do do do				99,353 91
1877-8	do do do				114,836 70
1878-9	do do do				168,396 03
					\$ 722,955 29

## RETURN

(81n)

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1882 :—For a Return shewing the quantities of Springhill Coal delivered at St. John and intermediate Stations by the Intercolonial Railway, during the year ending December 31st, 1881; also, rates of Freight per Ton to each of said Stations; also, all special Rates and the Parties to whom given; the quantities delivered to each of such Parties at such Special rates.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
9th May, 1882.

Secretary of State.

## RETURN

(81o)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882 :—For copies of all documents relating to the claim of Felix Caron and Henriette Chouinard, both of St. Jean Port Joli, against the Intercolonial Railway.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
11th May, 1882.

Secretary of State.

[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]

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## RETURN

(81p)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882:—For a Return shewing what number of Locomotives, Passenger, Freight and Coal Cars, and other Rolling Stock were purchased or contracted for, or built at the Government Work shops during the year ending December 31st, 1881, distinguishing those that were purchased, those that were obtained under contract, and those that were built in the Government Work shops, and shewing how in each case, the Locomotives, Cars and other Stock purchased were purchased, whether by tender or by private arrangement with the Department of Railways and Canals or through an Agent; if by tender whether tenders were invited by public advertisement or by circular; if by circular to what parties or firms such circulars were addressed and where the persons to whom they were addressed reside or do business; if through an Agent or Agents the name or names of such Agent or Agents and the amount of Commission paid in each case; whether any Locomotives or other Rolling Stock purchased elsewhere than in Canada paid Customs duties, the class, character and size and power of each Locomotive purchased, and the price paid for each, the amount of Customs duties paid on each and all the charges adding to the cost; how tenders for any Locomotives, Cars or other Rolling Stock contracted for were invited in each case, if by circular the names and descriptions of the persons or firms to whom they were addressed, and a copy of the circular; the prices paid for any Locomotives, Cars or other Rolling Stock obtained under such contract, or to be paid for such Locomotives or other Rolling Stock as had not been delivered on December 31st, 1881; whether if in any case such Locomotives or other Rolling Stock were built or are to be built out of Canada, the Contractors paid or are to pay duties of Customs on such Rolling Stock, and all other charges up to the time of delivery on any road in Canada belonging to the Government; the size, power and character of each Locomotive delivered or to be delivered under any contract; the names, description and places of business of all persons or firms from whom Locomotives or other Rolling Stock were purchased, or with whom contracts for Locomotives or other Rolling Stock were made, and the names of the places or establishments in which the Rolling Stock purchased or contracted for were built or are to be built.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
12th May, 1882.

*Secretary of State.*

GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER, OTTAWA, 8th May, 1882.

SIR,—To comply with an order of the House of Commons, dated the 23rd February last, I have the honor to transmit herewith, statements shewing rolling stock purchased for the calendar year ended 31st December, 1881, with copies of circulars, and a list of the names of the persons and firms asked to tender when the tenders were asked by circular.

I also enclose a complete list of rolling stock, purchased not only in that year, but in the years 1879 and 1880.

No Customs' duties were paid on any of the rolling stock imported.

I am, Sir,

Your obedient servant,

COLLINGWOOD SCHREIBER.

F. BRAUN, Esq., Secretary, Department of Railways and Canals.

TENDERS FOR TEN LOCOMOTIVE ENGINES.

List of persons to whom specifications were sent:—

1. Canadian Engine Company, Kingston, Ont.
2. George Fleming & Sons, St. John, N.B.
3. Carrier, Lane & Co., Lévis, Quebec.
4. The Hunstet Engine Company, Leeds, England.
5. Fletcher, Jennings & Co., White Haven, do
6. Manning, Wardle & Co., Leeds, do
7. Sharp, Stewart & Co., Manchester do
8. Alexander Shanks & Sons, Arbroath, Great Britain.
9. W. G. Bagnall, Stafford, England.
10. Falcon Works, Loughborough, England.
11. Edwin Walker, Bristol do
12. Fox, Walker & Co., Bristol do
13. Hudswell, Clark & Rodgers, Leeds, England.
14. Joseph Jessop & Sons, Leicester do
15. Black, Hawthorne, & Co., Gateshead-on-Tyne, England.
16. R. & W. Hawthorne, Newcastle-on-Tyne do
17. Walker Brothers, Wigan.
18. Alexander Chaplin & Co., Glasgow.
19. Buges, Peacock & Co., Manchester, England.
20. Ransom & Sims, Ipswich do
21. John Penn, Greenwich do
22. Stephen Lewin, Poole, Dorset do
23. Avonside Engine Company, Bristol do
24. Nelson & Co., Glasgow, Scotland.
25. Dubs & Co., do do
26. Aveling & Porter, Rochester, England.
27. Neilson & Co., Glasgow, Scotland.
28. Robert Dalglish & Co., St. Helens, England.
29. Joseph Price, Upper Tooting, England.

INTERCOLONIAL RAILWAY, OFFICE OF THE CHIEF SUPERINTENDENT,  
MONCTON, N. B., 28th June, 1881.

Sealed tenders addressed to the Chief Superintendent of the Intercolonial Railway and marked on the outside "Tender for Locomotives," will be received until 26th July, 1881, for the construction of ten (10) locomotive engines for this railway.

They are to be of the American pattern, as will be seen by the specification attached.

They must be constructed in accordance with the plans and specifications furnished, and will be subject to inspection both during construction and at the time and place of delivery.

They must be delivered complete in running order and free of all charges, except Customs duty, on the tracks of the Intercolonial Railway at Halifax, Nova Scotia, Chaudière, St. John, Point Lévis.

There will be no charge for wharfage at Halifax, as the railway has wharves at which the largest vessel can be afloat.

The railway will assume the payment of the Customs duties, which are twenty-five per cent. of the cost price.

The engines may be delivered from time to time as they are completed, but the whole number must be delivered on or before December 15th, 1881.

No payment will be made in advance on account of the contract, but each engine delivered will, if satisfactory, be paid for at once.

The tender to state the price per engine delivered as above at Halifax Chaudière, St. John, Point Lévis.

The person whose contract is accepted will be required to deposit with the High Commissioner (Receiver-General of Canada), in (Ottawa), London, British or Canadian Government securities, or money, to the amount of five per cent. of the bulk sum of the contract.

This deposit of money, or Government securities of money, will be retained until the completion of the contract as a guarantee for its due fulfilment.

D. POTTINGER, Chief Superintendent.

#### TENDERS FOR SEVEN LOCOMOTIVES.

List of firms to whom circulars were sent:—

Manchester Locomotive Works, Manchester, N.H., U.S.A.  
 Grant Locomotive Works, Paterson, N.J., U.S.A.  
 Baldwin Locomotive Works, Philadelphia, Pa., U.S.A.  
 Brook's Locomotive Works, Dunkirk, N. Y., U.S.A.  
 Shenectady Locomotive Works, Dunkirk, N. Y., U.S.A.  
 Pittsburgh Locomotive and Car Works, Pittsburgh, Pa., U.S.A.  
 Danforth Locomotive Works, Paterson, N.J., U.S.A.  
 Hinkley Locomotive Works, Boston, Mass., U.S.A.  
 Mason McKenzie Works, Taunton, Mass., U.S.A.  
 Dickson Manufacturing Co., Scranton, Pa., U.S.A.  
 Taunton Locomotive Works, Taunton, Mass., U.S.A.  
 Orger's Locomotive and Machine Works, Paterson, N.J., U.S.A.  
 Fleming & Sons, St. John, N.B.  
 The Kingston Locomotive Works, Kingston, Ont.

INTERCOLONIAL RAILWAY, OFFICE OF THE CHIEF SUPERINTENDENT,  
 MONCTON, N. B., March 5th, 1881.

Seven locomotives for passenger train service are required for the Intercolonial Railway.

They are to be as nearly as possible in accordance with the attached specification.

They will be subject to inspection both during construction, and at the time of delivery.

They must be delivered on or before June 30th, 1881, but they may be delivered at any time previous after the signing of the contract.

They are to be delivered on the track of the Intercolonial Railway at St. John, N.B., Chaudière Junction, free of all charges, except Customs' duties, which latter will be paid by the railway.

No payment will be made in advance on account of the contract, but each engine delivered will, if satisfactory, be paid for at once. If you are unable to supply engines, according to the specification within the time named, please send the general dimensions of any engine with a wheel not less than five feet diameter, which you can supply.

An answer stating price per engine and time of delivery is requested as early as possible, and not later than Monday 24th, 1881.

Yours truly,

D. POTTINGER, Chief Superintendent, Intercolonial Railway.

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#### TENDERS FOR THREE LOCOMOTIVES.

List of firms to whom circular telegram calling for tenders, was addressed:—

Geo. Fleming & Son, St. John, N.B.

James Reckie, Montreal, P. Q.

Danforth Locomotive Company, Paterson, N. J.

Baldwin Locomotive Works, Philadelphia, Pa.

(Copy of Telegram.)

OTTAWA, 9th February, 1880.

What is the lowest price and the earliest period at which you could deliver at Point Lévis, Chaudière Junction, St. John Station, three four-wheeled coupled locomotives as per specification under which you recently tendered, for the Intercolonial Railway, the engines being delivered in bond, and a forfeiture of a thousand dollars per week for each weeks delay in delivery after time specified.

COLLINGWOOD SCHREIBER, Chief Engineer.

INTERCOLONIAL  
STATEMENT of Locomo

No.	Class.	Cylinder of Wheels.	Diameter of Wheels.	Name of Contractor.	Residence.	Rate each.
3	Mogul .....	18" × 24"	4' 6"	Canadian Engine Co.....	Kingston, Ont. ....	\$ cts. 10,300 00
9	do .....	18" × 24"	4' 6"	Geo. Fleming & Son .....	St. John, N.B.....	9,900 00
3	4-wheeled....	17" × 24"	5' 0"	Danforth Locomotive Co.	Paterson, N.J.....	.....
2	do ...	17" × 24"	5' 0"	do do ...	do .....	.....
4	do ...	17" × 24"	5' 0"	Hinckley Locomotive Co.	Boston, Mass .....	.....
4	do ...	17" × 24"	5' 0"	do do ...	do .....	.....
3	do ...	17" × 24"	5' 9"	Geo. Fleming & Son.....	St. John, N.B.....	10,200 00
4	do ...	17" × 24"	5' 9"	do do .....	do .....	10,000 00
10	do ...	17" × 24"	5' 12"	Dubs & Co.....	Glasgow, G.B. ....	10,220 00

**RAILWAY.**

tives received.

Amount.	Tenders issued.	Tenders called in.	Contract should have been completed.	Contract actually completed.	Advertisement or Circular.	Capital or Revenue.
\$ cts.	1879.	1879.	1880.	1880.		
30,900 00	Oct. 8...	Nov. 5...	Feb. 15.....	September.....	Advertisement ..	Capital.
89,100 00	Nov. 7...	Dec. 5...	May 1.....	July .....	do ...	do
28,553 43	1880. Feb. 9...	1880. Feb. 21...	June 1.....	June .....	Circular .....	Revenue.
18,534 70	April 19...	April 28...	Dec. 1.....	1881. February .....	Advertisement ..	do
36,033 44	do 6...	do 20...	July 15.....	1880. August .....	do ...	do
37,870 87	do 17...	do 28...	On acceptance of order.	June .....	do ...	do
30,600 00	1881. March 5...	1881. March 24...	1881. June 30.....	Not completed	Circular .....	Capital.
40,800 00	do 5...	do 24...	do 30.....	do ...	do .....	Revenue.
102,200 00	June 28...	July 26...	1882. Feb. 28.....	do ...	do .....	do

## INTERCOLONIAL

## STATEMENT of Cars

No.	Kind.	Name of Contractor.	Residence.	Rate each.	Amount.
				\$ cts.	\$ cts.
2	First class .....	J. Crossen.....	Cobourg, Ont.....	4,500 00	9,000 00
2	Second class .....	J. Harris & Co.....	St. John, N.B.....	2,250 00	4,500 00
2	Postal and smoking ...	J. Crossen.....	Cobourg, Ont.....	2,850 00	5,700 00
2	Bags and express.....	J. Harris & Co.....	St. John, N.B.....	1,750 00	3,500 00
43	Box freight.....	Moncton Car Co. (C.P.R.)	Moncton, N.B.....		
37	Platform freight.....	do do .....	do .....		35,470 48
4	Conductors' vans.....	Intercolonial Railway.....	do .....		3,450 00
6	Cattle cars.....	do .....	do .....		
80	Box freight.....	J. Harris & Co.....	St. John, N.B.....	570 00	45,600 00
80	Platform freight.....	(R. Cochrane) J Harris & Co	do .....	430 00	34,400 00
2	Snow ploughs.....	J. Harris & Co.....	do .....	950 00	1,900 00
2	Stackhouse ploughs ...	Allan Bros.....	do .....	1,150 00	2,300 00
3	Wing ploughs.....	J. Harris & Co.....	do .....	1,250 00	3,750 00
3	Flangers.....	do .....	do .....	750 00	2,250 00
75	Gondola cars.....	J. Crossen.....	Cobourg, Ont.....	535 00	40,125 00
20	Box freight.....	J. Harris & Co.....	St. John, N.B.....	585 00	11,700 00
24	Platform freight.....	do .....	do .....	470 00	11,280 00
3	First class.....	J. Crossen.....	Cobourg, Ont.....	4,950 00	14,850 00
3	Second class .....	Thos. Muir.....	London, Ont.....	3,300 00	9,900 00
1	Auxiliary car.....	Intercolonial Railway.....	Moncton, N.B.....	650 00	650 00
50	Gondola cars .....	J. Harris & Co.....	St. John, N.B.....	534 00	26,700 00
100	do .....	Barrows & Co.....	New York, U.S.....	555 00	55,500 00
100	do .....	J. Harris & Co.....	St. John, N.B.....	550 00	55,000 00
100	Hoppers, second hand.	J. B. Burland .....	Montreal, Que .....	228 00	22,800 00
15	do do .....	Albert Railway.....	Hillsboro', N.B.....	200 00	3,000 00
100	Box freight .....	Carrier and Laine.....	Lévis, Que.....	640 00	64,000 00
50	do .....	do .....	do .....	620 00	31,000 00
56	do .....	J. Harris & Co.....	St. John, N.B.....	570 00	28,500 00



RAILWAY.

etc., received.

Tender Issued.	Tenders called in.	Contract should have been Completed.	Contract actually Completed.	Advertisement or Circular.	Capital or Revenue.
1879. November 7...	1879. December 9...	1880. June 21...	1881. March .....	Advertisement .....	Capital.
do 7...	do 9...	May 1...	1880. November .....	do .....	do
do 7...	do 9...	do 1...	July .....	do .....	do
do 7...	do 9...	do 1...	December .....	do .....	do
1880. February 7...	1880. March 1...	June 15...	1881. April .....	do .....	do
do 7...	do 1...	do 15...	June .....	do .....	do
.....	.....	.....	May 3, 1881, Jan. 1, 1882, Not completed.	.....	do
1880. May 22...	1880. June 5...	July 15...	May .....	Advertisement .....	do
do 22...	do 5...	do 15...	June .....	do .....	do
1879. November 7...	1879. December 9...	May 1...	1880. May .....	do .....	do
do 7...	do 9...	February 28...	March .....	do .....	do
do 7...	do 9...	do 1...	May .....	do .....	do
do 7...	do 9...	do 1...	June .....	do .....	do
1881. February 17...	1881. March 18...	1881. June 30...	1882. February .....	Circular .....	Revenue.
do 17...	do 18...	do 30...	1881. September .....	do .....	do
do 17...	do 18...	do 30...	July .....	do .....	do
September 14...	October 10...	1882. January 31...	188.. Not completed.	do .....	Capital.
do 14...	do 10...	February 28...	March .....	do .....	do
.....	.....	.....	.....	.....	do
May 4...	May 21...	1881. July 31...	1881. December .....	Circular .....	do
November 4...	November 16...	1882. February 1...	1882. February .....	do .....	do
do 4...	do 16...	do 15...	April .....	do .....	do
.....	.....	.....	January .....	Private .....	do
.....	.....	.....	1881. December .....	do .....	Revenue.
November 4...	November 16...	{ Feb. 15, ex- tended to March 15. }	Not completed.	Circular .....	Capital.
do 4...	do 16...	.....	do .....	do .....	do
do 4...	do 16...	February 15...	1882. March .....	do .....	do

**TENDERS FOR TWELVE BOX, TWENTY-FOUR PLATFORM AND SEVENTY-FIVE GONDOLA CARS.**

List of firms to whom circulars were sent:—

- 1 James Harris & Co., St. John, N.B.
- 2 James Crossen, Coburg, Ont.
- 3 Ontario Car Co., London, Ont.
- 4 Starr Manufacturing Co., Halifax, N.S.
- 5 Montreal Car Co., Montreal, P.Q.
- 6 Port Hope Car Co., Port Hope, Ont.

INTERCOLONIAL RAILWAY, OFFICE OF THE CHIEF SUPERINTENDENT,  
MONCTON, N.B., 17th February, 1881.

Sealed tenders addressed to the undersigned will be received until March 12th, 1881, for the following rolling stock required for the Intercolonial Railway:—

- 20 Box freight cars.
- 24 Platform cars.
- 75 Gondola coal cars.

These cars must all be constructed in strict accordance with the plans and specifications, and will be subject to inspection both during construction and at the time of delivery.

The cars must be delivered complete, and free of all charges on the tracks of the Intercolonial Railway at Chaudière Junction, Richmond Station, St. John Station, and the final inspection will be made at that place.

They may be delivered from time to time as they are completed, but the whole number must be delivered on or before June 30th, 1881.

A separate price is to be named for each kind of car. The right is reserved to accept the tender only so far as either the box cars, or the platform cars, or the gondola cars are concerned, or to reject it altogether.

No payment will be made in advance on account of the contract, but each lot of cars delivered, if satisfactory, will be paid for at once.

Plans and specifications will be sent you for examination as soon as they are ready.

D. POTTINGER, Chief Superintendent.

**TENDERS FOR THREE FIRST CLASS AND THREE SECOND CLASS PASSENGER CARS.**

List of firms to whom circulars were sent:—

- James Harris & Co., St. John, N. B.
- James Crossen, Cobourg, Ont.
- Ontario Car Company, London, Ont.
- Starr Manufacturing Company, Halifax, N. S.
- Montreal Car Company, Montreal, P. Q.
- Port Hope Car Company, Port Hope, Ont.

INTERCOLONIAL RAILWAY, OFFICE OF THE CHIEF SUPERINTENDENT,  
MONCTON, N. B., 14th September, 1881.

Sealed tenders addressed to the undersigned will be received until October 10th, for the following rolling stock required for the Intercolonial Railway:—

- 3 First class passenger cars.
- 3 Second class passenger cars.

These cars must all be constructed in strict accordance with the plans and specifications, and will be subject to inspection both during construction and at the time of delivery.

The cars must be delivered complete, and free of all charges, on the tracks of the Intercolonial Railway at Chaudiere Junction, Richmond Station, St. John Station, and the final inspection will be made at that place.

They may be delivered from time to time as they are completed, but the second class cars must be delivered on or before 31st December, 1881, and the first class cars on or before the 31st January, 1882.

A separate price is to be named for each kind of car.

The right is reserved to accept the tender only so far as either the first class cars or the second-class cars are concerned, or to reject it altogether.

No payment will be made in advance on account of the contract, but each lot of cars delivered, if satisfactory, will be paid for at once.

Specifications are sent herewith, and plans will be furnished when contract is awarded.

D. POTTINGER, Chief Superintendent.

#### TENDERS FOR TWO HUNDRED BOX FREIGHT CARS AND TWO HUNDRED GONDOLA CARS.

List of firms to whom circulars were sent:—

1. Carrier, Laine & Co., Lévis, P.Q.
2. James Harris, Portland, N.B.
3. James Crossen, Cobourg, Ont.
4. Ontario Car Company, London, Ont.
5. Stirling & Jones, St. John, N. B.
6. Starr Manufacturing Co., Halifax, N. S.
7. Montreal Car Co., Montreal, P.Q.
8. Port Hope Car Co., Port Hope, Ont.
9. Allan Bros., Carleton, St. John, N.B.

INTERCOLONIAL RAILWAY, OFFICE OF THE CHIEF SUPERINTENDENT,  
MONCTON, N.B., 4th November, 1881.

Sealed tenders addressed to the Chief Superintendent, Intercolonial Railway, will be received until Wednesday 16th November instant, for the following rolling stock required for the Intercolonial Railway:—

200 Box freight cars.

200 Gondola cars.

These cars must all be constructed in strict accordance with the plans and specifications, and will be subject to inspection both during construction and at the time of delivery.

They must be delivered complete and free of all charges on the tracks of the Intercolonial Railway, at Chaudiere Junction, Richmond Station, St. John Station and the final inspection will be made at that place.

Offers will be received for the whole number required, or for any less number, and the Department reserves the right to accept either the whole or a part of any tender.

The cars are required as quickly as possible, and persons tendering must name the date on which they will deliver them.

No payment will be made on account of the contract, but each lot of cars delivered, if satisfactory, will be paid for at once.

A separate price must be named for each kind of car.

Specifications are sent herewith, and plans will be furnished to the persons whose tenders are accepted.

The persons whose tenders are accepted must deposit to the credit of the Receiver General, money, or Government securities for money, to the amount of five per cent of the gross sum of the contract. This sum deposited will be retained until the

satisfactory completion of the contract, and if the contract is not fulfilled either as regards materials, workmanship, or time and place of delivery, or in any other particular, the sum deposited will be forfeited to the Government.

Yours truly,

D. POTTINGER, Chief Superintendent.

#### TENDERS FOR FIFTY GONDOLA COAL CARS.

List of firms to whom circulars were sent:—

1. James Harris & Co., St. John, N.B.
2. James Crossen, Cobourg, Ont.
3. Ontario Car Co., London, Ont.
4. Starr Manufacturing Co., Halifax, N.S.
5. Montreal Car Co., Montreal, P.Q.
6. Port Hope Car Co., Port Hope, Ont.

INTERCOLONIAL RAILWAY, OFFICE OF THE CHIEF SUPERINTENDENT,  
MONCTON, N.B., 4th May, 1881.

Sealed tenders addressed to the undersigned will be received until May 21st, 1881, for the following rolling stock required for the Intercolonial Railway:—  
50 Gondola coal cars.

These cars must all be constructed in strict accordance with the plans and specifications, and will be subject to inspection both during construction and at the time of delivery.

The cars must be delivered complete and free of all charges, on the tracks of the Intercolonial Railway at Chaudiere Junction, Richmond Station, St. John Station, and the final inspection will be made at that place.

They may be delivered from time to time as they are completed, but the whole number must be delivered on or before 31st July, 1881.

No payment will be made in advance on account of the contract, but each lot of cars delivered, if satisfactory, will be paid for at once.

Plans and specifications were sent you in February, at the time you were asked to tender for seventy-five coal cars.

D. POTTINGER, Chief Superintendent.

## RETURN

(81g)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882:—

For copies of the Report of the Section men, and of all Correspondence with the Officials of the Intercolonial Railway, in relation to damages caused by Fire from the Locomotives, to the Property of Mr. Ferdinand Bellavance.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
11th May, 1882.

Secretary of State.

[In accordance with the recommendation of the Joint Committee on Printing, the above Return is not printed.]

## RETURN

(81r)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882;---For copies of all Advertisements or Circulars asking for Tenders for the Supply of Iron and Iron Manufactures, Hardware, Oils, Coal, Wood, Ties, Timber, and all goods and materials required for the use of the Intercolonial Railway, during the period from June 30th, 1880, to December 31st, 1881, with a Statement of the Names of the persons tendering and the Prices asked in each tender, for each description of goods, the Names of the persons, if any, whose tenders were accepted, and the points at which the goods were to be delivered ; also, a similar Statement for the year ended 30th June, 1878.

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GOVERNMENT RAILWAYS IN OPERATION,  
OFFICE OF THE CHIEF ENGINEER, OTTAWA, 12th May, 1882.

SIR.—On the 27th February last there was an order of the House of Commons passed for copies of all advertisements or circulars asking for tenders for the supply of iron and other stores during the period from the 30th June, 1880, to the 31st December, 1881, and also for year ended 30th June, 1878. I beg to inform you that copies of the abstracts of the tenders received during this period are being made and also a list of the persons who were asked in each case to tender. Even these will take a long time to prepare and will not likely be ready for this Session. I therefore now send herewith the list of persons asked to tender, and abstracts of tenders received for the period from the 1st July to 31st December, 1880. The accepted tenders have been marked in the abstracts thus **X**.

I would recommend that this portion of the Return be laid before the House in order that it may be seen, that the best is being done under the circumstances to furnish the information, and some idea may be formed of the voluminous character of the Return asked for, and the labor there must necessarily be in preparing such a Return.

I have the honor to be, Sir, Your obedient Servant,  
COLLINGWOOD SCHREIBER,

Chief Engineer of Railways and Canals.

F. BRAUN, Esq., Secretary, Dept. of Railways and Canals.

LIST OF PARTIES ASKED TO OFFER FOR WOOD, JULY 2ND, 1880.

Warren Taylor, Salisbury,  
Gray & Wheaton do  
Estabrooks & Co., Moncton,  
Thos. Miller & Co., Carleton,  
A. Dunn, Weldford,  
J. M. Kennedy do  
J. W. Humphrey, Berry's Mills,  
James A. Fish, Newcastle,  
E. Sinclair do  
F. A. Jones, Painsec,  
F. Belavance, Sayabec,

Geo. St. Amand, Sayabec,  
François Saucier do  
Martin & LeBel, St. Octave,  
P. L. Gauvreau, Rimouski,  
Nap. LaRoche, St. Octave,  
Henry Larue do  
Joseph Smith, St. Moise,  
A. LePage & Co., Rimouski,  
LePage & Larivée do  
A. Wilson, Berry's Mills.

INTERCOLONIAL RAILWAY.

ABSTRACT of Offers received for the Supply of Five Hundred and Fifty Cords of Dry Soft-wood for Kindling, 2nd July, 1880.

Name.	Address.	Place of Delivery.	Moncton. — 250 cords.	Camp- bellton. — 300 cords.	Remarks.
Gray & Wheaton .....	Salisbury .....	Salisbury .....	\$ cts.	\$ cts.	Commence at once; complete in two months.
Warren Taylor .....	do .....	do .....	1 90	.....	In two months.
Estabrooks & Co. ....	Moncton .....	Painsec Junction .....	1 40	.....	Commence delivery at once, say, one to two cars
A. Wilson .....	Berry's Mills .....	Berry's Mills .....	1 05	.....	per day.
Thos. Miller & Co. ....	Carleton .....	.....	2 00	.....	Fifty cords within one month.
A. Dunn .....	Weldford .....	Between Coal Branch and Weldford	1 25	.....	Dry hemlock; 100 cords by 1st September,
James M. Kennedy .....	Kingston .....	do do do .....	1 14	1 14	other by October, or sooner if wanted.
E. Sinclair .....	Miramichi .....	do do do .....	1 80	1 80	Two cars (each place) within ten days;
James Fish .....	Newcastle .....	Deep-water Terminus, Newcastle .....	0 90	0 90	balance in one or two months after.
Martin & LeBel .....	St. Octave .....	Sayabec .....	1 00	1 00	Within two months.
Napoleon LaRoche .....	do .....	Between Sayabec and Tartague .....	.....	do	do
Fred. Belavance .....	Sayabec .....	Between Cedar Hall and Sandy Bay	0 99	0 99	Within one month.
Henry Larue .....	St. Octave .....	Sayabec .....	0 94	0 94	Within two months.
Joseph Smith .....	St. Moise .....	Between Sayabec and Tartague .....	0 90	0 90	During August.
George St. Amand .....	do .....	do do do .....	0 98	0 98	100 cords at once; 200 cords in two weeks.
François Saucier .....	Sayabec .....	Between Sayabec and Sandy Bay	1 00	1 00	1st September.
P. L. Gauvreau .....	Rimouski .....	Road .....	1 10	1 10	Before 1st September.
A. Le Page & Co .....	do .....	Between Amqui and Sayabec .....	1 45	1 45	In one month.
Le Page & Larivière .....	do .....	Between Tartague and Sayabec .....	0 95	0 95	Commence at once.
	do .....	Between Amqui and Tartague .....	0 94	0 94	do do

## INTERCOLONIAL RAILWAY.

ABSTRACT of Offers received for the Supply of One Thousand tons Anthracite Coal,  
egg size, 2nd July, 1880.

Name and Address.	Per Ton of 2,000 lbs.			Remarks.
	St. John.	Halifax.	Point Lévis.	
	400 tons.	300 tons.	300 tons.	
	\$ cts.	\$ cts.	\$ cts.	
Wm. Roche, jun., Halifax..	4 79	4 79	6 00	Lehigh, Wilkesbarre or Lackawana. Will deliver at once if accepted.

## LIST of Parties asked to Offer.

Dans & Co., New York.  
E. J. Charlton, Montreal.  
George F. Hart do  
Maurice Williams & Gervan, Montreal.  
E. P. Archibald, Halifax.  
Wm. Roche, jun. do  
John Starr do

J. R. Lithgow, Halifax.  
F. C. Steeves do  
R. P. & W. F. Starr, St. John.  
Wisdom & Fish do  
Busby & Watters do  
T. Sherman Peters do  
R. P. McGivern do

(Copy.)

Telegram.

MONTREAL, 11th July, 1880.

L. B. ARCHIBALD.

On account of unforeseen causes, can't ship now. Accept next lowest offer.

H. A. RORISON.

ABSTRACT of Offers received for the Supply of Two Carloads best Refined Kerosene  
Oil, July 8th, 1880.

Name and Address.	Place of Delivery.	Per Imperial Gallon.	Remarks.
		Cts.	
Estey, Allwood & Co., St. John.	London.....	18 $\frac{1}{2}$	
J. Bullock, St. John.....	do .....	18	Silver Star, Victor, Atlantic or Sunbeam.
E. W. Penny, Montreal.....	Moncton.....	21 $\frac{1}{2}$	Royal City.
H. A. Rorison, Ottawa.....	do .....	20	Crystal.
Imperial Oil Co., London. ....	London.....	18	Atlantic, Daylight, Victor or Sunbeam.

## LIST of Parties asked to Offer.

John McMillan, Montreal.  
E. W. Penny do  
W. Strachan & Co. do  
L. C. Barney do  
E. Hearle do  
H. A. Rorison, Ottawa.  
P. F. Daly & Co., Stratford.  
Woodward & McGarvey, Petrolia.  
Imperial Oil Co., London.  
J. L. Englehart, Petrolia.  
J. D. Noble do

F. Smith, Petrolia.  
Waterman Bros., London.  
J. R. Minhinnick do  
Mutual Oil Refining Co., London.  
London do do  
Yates & Stratford, Brantford.  
R. T. Sutton do  
Estey, Allwood & Co., St. John.  
J. Bullock do  
John Starr, Halifax.  
Irish & Smith, do



ABSTRACT of Offers received for the Supply of 136 Pieces Princess Pine or  
Hacmatac, July 9th, 1880.

Name and Address.	Place of Delivery.	Per 1,000 ft. Board Meas- ure.	Remarks.
		\$ cts.	
Warren Taylor, Salisbury.....		11 00	Delivered in one month from date of order.
E. Fisher, St. John.....			Not prepared to tender.
Richard Farmer, St. John.....	St. John.....	16 00	Princess Pine.
do do .....	do .....	18 00	Hacmatac.
James Collins, Indiantown, St. John.....	do .....	18 75	Hacmatac. Within 30 days from receipt of order. If wanted at once will deliver in 10 days.

LIST of Parties asked to Offer.

S. G. Blizard, St. John.	R. Farmer, Portland, St. John.
E. Fisher do	Shadrack Holly do
F. A. King do	R. A. Gregory do
H. Maxwell & Sons do	Gray & Wheaton, Salisbury.
A. Shives do	Warren Taylor do
James Collins, Indiantown, St. John.	J. R. Crandall, North River, Salisbury.

ABSTRACT of offers received for the Supply of 24 Cast Iron Plates for Coal Sheds,  
July 9th, 1880.

Name and Address.	Place of Delivery.	Per Pound.	Remarks.
		Cts.	
W. E. Everitt, St. John.....		2½	
W. Hazelhurst, do .....	St. John.....	1½	
A. Robb & Sons, Amherst.....	Amherst .....	2	
Clish, Crowe & Co., Truro.....	Truro .....	1½	
W. H. Davies & Sons, Pictou...		2	
W. S. Symonds & Co., Halifax...	North Street... ..	1½ <sup>00</sup>	
Geo. Fleming & Sons, St. John.	St. John.....	2½	
Gaffrey, Wilkes & Co., New Glasgow .....		1½	If railway deliver car load scrap at New Glasgow, at \$10 ton, 2,000 lbs.
Record & Boyer, Moncton.....			No reply.

**ABSTRACT of offers received for the Supply of 100 Barrels Portland Cement, July 13th, 1880.**

Name and Address.	Place of Delivery.	Per Bbl.	Remarks.
		\$ cts.	
C. & W. Wurtele, Quebec .....	Lévis .....	4 00	Gibbs.
Chinic, Beaudet & Co., Quebec	do .....	4 00	"Diamond G" tested.
S. Waddell & Co., Montreal.....	Chaudière Junction.	5 25	Same as last.
Cooper, Fairman & Co., Mont- real .....	Lévis or Chaudière...	3 25	Knights.
B. J. Coghlin, Montreal.....	Point Lévis.....	3 10	Francis (bbl. 375 lbs.)
James Robertson, do .....	Lévis .....	*3 40	James White & Co., 6 bbls. to gross ton.

\*For quality.

**ABSTRACT of offers received for the Supply of 400 Double Plate 33-inch Chilled Cast Iron Car Wheels, to weigh not less than 500 lb., July 15th, 1880.**

Name and Address.	Place of Delivery.	Price Each.	Remarks.
		\$ cts.	
Jas. Harris & Co., St. John.....	St. John.....	14 00	Deliver six weeks from date of order, or sooner. Warranted to run for 12 months.
Steel Company of Canada, Lon- donderry .....	Any point on I.C.R.	11 00	Guarantee for 13 months. Guarantee to date from day of delivery. To weigh not less than 525 lbs. each. Delivery within one month from date of order.
L. J. O. Bronell, Point-au-Pic.	Doucet's Landing or Three Rivers .....	12 00	Delivery immediately.
Geo. McDougall, Montreal.....	Chaudière .....	11 50	530 lbs. guaranteed for one year. Delivery to commence within 30 days.
John McDougall & Co., Montreal	Moncton .....	14 00	Without any guarantee.
do do do	do .....	14 50	Guarantee for 12 months. One to two car loads per week.
W. S. Symonds & Co., Halifax.	.....	.....	No reply.

**ABSTRACT of Offers received for the Supply of 100,000 superficial feet of Pine Deals for North Division, 15th July, 1880.**

Name and Address.	Place of Delivery.	Per 1,000 sup. feet.	Remarks.
		\$	
Butchart Bros. & Co., Rimouski	.....	.....	None on hand.
C. Dubé, Rivière du Loup.....	Rivière Ouelle.....	8 50	
C. Alley, jun., Quebec or Point Lévis.....	Hadlow.....	14 00	

ABSTRACT of Offers received for the Supply of 400 Standard Car Axles forged to Tracing "A," and 25 Engine Truck Axles to Tracing "B," to be hammered from best selected Scrap Iron, and double fagotted, 19th July, 1880.

Name and Address.	Place of Delivery.	Per lb.	Remarks.
J. Harris & Co., St. John.....	St. John.....	3½	In 8 weeks from receipt of order will give \$16 per ton (2,000 lbs.) for wrought iron scrap delivered at St. John.
J. A. & W. A. Chesley, St. John.....	do .....	3½	Commence at once and complete delivery not later than 1st Nov., 1880. If necessary can deliver at an earlier date. Will give \$20 per ton (2,240 lbs.) for scrap iron delivered at St. John.
Nova Scotia Forge Co., New Glasgow.....	New Glasgow.....	3½	One carload 3 days after receipt of order and continue at rate of 3 cars per week if necessary. Axles cut off to length and centred ready for the turning lathe. Will allow 1c. per lb. for scrap.
F. Mumford & Sons, Dartmouth	Halifax .....	3½	Commence delivery 11th Oct., finish last of November. Will give \$16 per ton for scrap iron delivered at North Station, Halifax.
Edward Kerr, Halifax.....	North St. Depôt.....	3½	Commence within one week from receipt of order and deliver at rate of 10 tons per fortnight. If necessary, during contract, will agree to deliver 10 tons per week upon receiving one week's notice. Will take wrought iron scrap at 1c per lb. at North Station Depot.

ABSTRACT of Offers received for the Supply of the Refined Bar Iron required for Eleven Months from 1st August, 1880, to 21st July, 1880. Estimated quantity 200 tons.

Name and Address.	Place of Delivery.	Per 100 lbs. or dinary sizes.	Remarks.
Steel Co. of Canada, Londonderry.....	Londonderry.....	\$ cts.	
R. McKenzie, Montreal.....	.....	2 25	Siemens Londonderry iron, extras per list.
		2 25	Extra sizes to be charged extra.

LIST of Parties asked to Offer.

W. H. Thorne, & Co., St. John.	Cooper, Fairman & Co., Montreal.
Wisdom & Fish do	Benny, MacPherson & Co. do
Pritchard & Sons do	H. R. Ives & Co. do
Theakston & Angwin, Halifax.	B. J. Coghlin do
W. Stairs, Son & Morrow, Halifax.	Thos. T. Turnbull do
Patrick Walsh do	Middleton & Meredith do
John Starr do	Gillespie, Moffatt & Co. do
Irish & Smith do	Drummond Bros. do
Steel Co. of Canada, Londonderry.	Geo. Irving, jun. do
R. McKenzie, Montreal.	S. Waddell & Co. do

ABSTRACT of Offers received for the Supply of Two Carloads best Refined Kerosene Oil, 23rd July, 1880.

Name and Address.	Place of Delivery.	Per wine gallon.	Remarks.
		Cents.	
J. Bullock, St. John.....	Moncton.....	18½	Silver Star, Victor, Atlantic or Sunbeam.
Jno. McMillan, Montreal.....	do .....	19½	Kobinoor.
Murray, Bremner & Co., Montreal.....	Chaudière Junction..	19	Royal City (white), Family Pearl, Sunbeam, Victor, Atlantic, Daylight, Silver Star, your choice.
Imperial Oil Co., London.....	London.....	18	Imperial gallon; Victor, Atlantic or Sunbeam.
Wellington Oil Co., Guelph.....	Moncton.....	19½	Intercolonial—Headlight, in oak barrels, new Govt. test, &c.

LIST of Parties asked to Offer.

John McMillan, Montreal Murray, Bremner & Co., Montreal W. Strachan & Co. do E. Hearle do	Imperial Oil Co., London Wellington Oil Co., Guelph Estey, Allwood & Co., St. John J. Bullock, St. John.
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ABSTRACT of Offers received for the Supply of Two Carloads Summer Freight Car Axle Oil, 23rd July, 1880.

Name and Address.	Place of Delivery.	Per wine gallon.	Remarks.
		Cents.	
J. McMillan, Montreal.....	Moncton.....	6	
Murray, Bremner & Co., Montreal.....	Chaudière.....	11	
T. M. Daly, Stratford.....	Moncton.....	12½	By August 15th, at latest.
Imperial Oil Co., London.....	London.....	9½	Imperial gallon.
G. B. Stock, Toronto.....	.....	8½, 11½	Delivery over G. T. R. and I. C. R.
		15	
Wellington Oil Co., Guelph.....	Moncton.....	11	

LIST of Parties asked to Offer.

John McMillan, Montreal Murray, Bremner & Co. Montreal P. F. Daly & Co., Stratford Woodward & McGarvey, Petrolia. Imperial Oil Co., London	G. B. Stock, Toronto Estey, Allwood & Co., St. John J. Bullock, St. John Wellington Oil Co., Guelph.
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ABSTRACT of Offers received for the Supply of Sheep-skins, Sole and Harness Leather, 23rd July, 1880.

Name and Address.	Sheep-skins per dozen.	Leather per Lb.		Remarks.
		Sole.	Harness.	
		Cents.	Cents.	
White, Upham & White, Sussex.....		26	32	According to quality.
S. G. W. Archibald, Truro.....		28	30	
Arthur Fordham, Halifax.....		28	31	

ABSTRACT of Offers received for the Supply of Block Tin, Ingot Copper and Spelter, 29th July, 1880.

Name and Address.	Block Tin.	Ingot Cop- per.	Spelter.	Remarks.
	Perlb.	Perlb.	Perlb.	
W. H. Thorne & Co., St. John.	23	20	5½	None in stock.
Pritchard & Sons do.....				
W. Stairs, Son & Morrow, Halif- ax.....	23	19½	6½	"Vielle Montagne." Delivered at Chaudière. Immediate delivery.
C. W. Wurtele, Quebec.....	28	19	6½	
S. Waddell & Co., Montreal.....	26	20	6½	
B. J. Coghlin do.....	26½	18½	6½	

LIST of Parties asked to Offer.

Irish & Smith, Halifax. John Starr do W. Stairs, Son & Morrow, Halifax. P. Walsh, Halifax. W. H. Thorne & Co., St. John.	Pritchard & Sons, St. John. Chinic, Beaudet & Co., Quebec. C. & W. Wurtele do S. Waddell & Co., Montreal. B. J. Coghlin do
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ABSTRACT of Offers received for the Supply of 50 Pieces Oak, 36ft. 9in. x 5in., 6th August, 1880.

Name and Address.	Place of Delivery.	Per 1,000 ft. Board Mea- sure.	Remarks.
		\$ cts.	
J. Harris & Co., St. John.....	St. John.....	42 00	70 or 80 days from receipt of order; possibly before.
Yates & Stratford, Brantford ...	Chaudière.....	50 00	Under 21 ft., \$40; 21 to 34 ft. plank, \$35. Rapid delivery.

ABSTRACT of Offers received for the Supply of Pure Hard Beef Tallow,  
24th August, 1880.

Name and Address.	Place of Delivery.	Per lb.	Remarks.
		Cts.	
W. S. Torrie, Moncton.....	Store, Moncton.....	7½	In cakes, } 10 to 40 tons. In barrels, }
Alex. Stewart, St. John .....	.....	7	
Wm. Logan do .....	.....	.....	do do
Fader Bros., Halifax.....	Halifax.....	10	200 lbs. per week; best quality cake.
Edward Gastonguay, River-du-Loup .....	.....	8	1,500 to 2,000 lbs.
J. Calkins, St. John.....	.....	.....	Cannot quote at present.

List of Parties asked to Offer.

W. S. Torrie, Moncton.	Richard Currie, Halifax.
Wm. Elliott do	Fader Bros. do
A. J. Babang & Co., Moncton.	Mumford Bros. do
B. Sway, Sussex.	Jas. Anderson do
J. Calkins, St. John.	John Hannan do
Wm. Logan do	M. J. O'Sullivan do
Alex. Stewart do	Edward Curran do
Wm. Buckley, Amherst.	E. Holohon, Newcastle.
Jno. D. Ross, Truro.	James Falconer do
J. A. Leaman do	Butchart Bros. & Co., Rimsuski.
Geo. McLellan, Halifax.	Gastonguay & Senechal, River-du-Loup.

ABSTRACT of Offers received for the Supply of 500 Crooked Links, to be made of Londonderry Iron, 27th August, 1880.

Name and Address.	Place of Delivery.	Per 100 lbs.	Remarks.
		\$ cts.	
W. Hazelhurst, St. John.....	.....	4 00	
Levi H Young.....	.....	4 75	
Ctish, Crowe & Co., Truro.....	.....	3 85	
D. McDonald, Pictou.....	.....	3 45	

ABSTRACT of Offers received for the Supply of 20 Carloads Sand, 200 bushels each, 28th August, 1880.

Name and Address.	Place of Delivery.	Price Per Car.	Remarks.
		\$ cts.	
Alex. Davidson, Point du Chêne.....	Point du Chêne.....	2 25	
Jno. A. Nickerson, Shediac.....	do .....	1 85	
D. S. Nickerson, Point du Chêne.....	do .....	1 90	
Michael Harney, do .....	do .....	3 00	

ABSTRACT of Offers received for the Supply of 130 Lineal Feet Wrought Iron Pipe,  
for Tartague Tunnel, 11th September, 1880.

Name and Address.	Place of Delivery.	Per ton of 2,000 lbs.	Remarks.
		\$ cts.	
Clish, Crowe & Co., Truro .....	Truro .....	77 50	Crown iron.
W. S. Symonds & Co., Halifax.	Halifax .....	86 20	Crown brand.
Starr Manufacturing Co., do	do .....	85 00	In lengths of 6 feet, from plates 6 feet wide.
Carrier, Laine & Co., Lévis, Q.	Point Lévis.....	64 00	Will deliver on or before 20th October, in lengths of 8 or 12 feet, as may suit. Iron to be of "Best Govan." Subject to answer on or before 21st inst.

LIST of Parties asked to Offer.

Starr Manufacturing Co., Halifax.  
W. S. Symonds & Co., do  
Adam McKay, Dartmouth, do  
Jas. Harris & Co, St. John.  
Geo. Fleming & Sons, St. John.

W. H. Davies & Sons, Pictou.  
Clish, Crowe & Co., Truro.  
Allen Bros., St. John.  
Carrier, Laine & Co., Lévis, P. Q.

INTERCOLONIAL RAILWAY.

ABSTRACT of Offers received for the Supply of Shingles, 6th October, 1880.

Name and Address.	Place of Delivery.	Per 1,000.	Remarks.
		\$ cts.	
John A. Humphrey, Moncton .....	.....	.....	None on hand.
F. A. Jones, Painsec.....	.....	1 50	No. 1 spruce; next week.
A. Grant, Amqui .....	.....	2 50	40,000 sawn No 1 cedar.
Butchart, fils et cie, Rimouski..	.....	2 30	First quality cedar, shaved 16".
C. Dubé, Rivière du Loup .....	.....	1 75	Cedar, first quality.
F. A. King, St. John .....	.....	3 50	Cedar, extra sawn.
do do .....	.....	3 20	Clear.
do do .....	.....	2 45	Extra No. 1.
do do .....	.....	1 50	No. 1.
do do .....	.....	1 40	Spruce.
E. Fisher do .....	.....	3 30	Extra cedar, sawn 16".
do do .....	.....	3 05	Clear.
do do .....	.....	2 30	Extra No. 1.
do do .....	.....	1 30	No. 1.
S. G. Blizard do .....	.....	2 10	200,000 shaved cedar.
T. W. Cummings & Sons.....	.....	.....	No reply.
G. McMullen .....	.....	.....	do

No tenders accepted.

## INTERCOLONIAL RAILWAY.

ABSTRACT of Offers received for the supply of Two tons Ingot Copper, 7th October, 1880.

Name and Address.	Place of Delivery.	Per lb.	Remarks.
		Cts.	
Wisdom & Fish, St. John.....		22	None at present.
Irish & Smith, Halifax.....			
W. Stairs, Son & Morrow, Halifax.....		18	None in stock.
Thomas Andrews, Quebec.....	Point Lévis.....	19	
Chinic, Beaudet & Co., Quebec.....			
C. & W. Wurtele do ..		18	
S. Waddell & Co., Montreal.....	Chaudière.....	17	
James Robertson do .....	Montreal.....	17½	
Cooper, Fairman & Co., Montreal.....	Chaudière.....	17½	
B. J. Coghlin, Montreal.....		18½	
R. McKenzie do .....	Chaudière.....	17½	
Middleton & Meredith, Montreal.....	Montreal.....	16¾	
W. H. Thorne & Co., St. John.....		16¾	Cash; 17c. for four months, If delivered at Moncton, add 48c. per 100 lbs.
Pritchard & Sons do .....			About six days.
Theakston & Angwin, Halifax.....			No reply.
P. Walsh, Halifax.....			do

ABSTRACT of Offers received for the Supply of Porpoise Oil, 8th October, 1880.

Name and Address.	Place of Delivery.	Per Wine Gallon.	Remarks.
		Cents.	
W. S. Torrie, Moncton.....	Store, Moncton.....	85	None at present.
Thos. Pelletier, Trois Pistoles... Pelletier, Fils & Cie., Fraser- ville.....			
C. McNab, Rivière du Loup.....	Rivière du Loup.....	78	Offer withdrawn.
C. Dubé do .....	River Ouëlle.....	90	30 barrels.
S. Dionne, St. Denis.....	St. Denis.....	80	50 do
Aug. Casgrain, River Ouëlle....			240 gallons.
J. B. Renaud & Cie., Quebec....			None at present.
			do
Paine Brothers, Eastport Me....	Eastport.....	85	Can furnish straw seal
W. Fellows, Rivière du Loup....			odorless at 48 cts., Imperial.
			No reply.



**ABSTRACT of Offers received for Painting Lumber Shed, 300 feet long, 32 feet wide, 18 feet post, 9th October, 1880.**

Name.	Address.	Per Yard.	Remarks.
		Cents.	
Wm. Duncan.....	Moncton.....	7	
Lloyd & Co.....	do .....	5½	
O. K. Rogers.....	do .....	6	
Geo. P. Rodger.....	Amherst.....	9	
Wm. Metzler.....	Moncton.....		No reply.
B. Frieze.....	do .....		do

**ABSTRACT of Offers received for the Supply of Two Carloads Freight Car Lubricating Oil for winter use, 15th October, 1880.**

Name and Address.	Place of Delivery.	Per Wine Gallon.	Remarks.
		Cents.	
Irish & Smith, Halifax.....	Moncton.....	17	
L. C. Barney, Montreal.....	do .....	14½	
E. W. Penney do .....	do .....	13	
J. McMillan do .....	do .....	10½	For 1 or 2 cars.
Murray, Bremner & Co .....	do .....	14	
Yates & Stratford, Brantford....	Chaudiere .....	12	

**List of Parties asked to Offer.**

Murray, Bremner & Co., Montreal.	John McMillan. Montreal.
E. Hearle do	G. B. Stock, Toronto.
L. C. Barney do	P. F. Daly & Co., Stratford.
E. W. Penney do	Woodward & McGarvey, Petrolia.
Wellington Oil Co., Guelph.	Imperial Oil Co., London.
J. R. Minhinnick, London.	J. D. Noble, Petrolia.
John Starr, Halifax.	R. T. Sutton, Brantford.
J. Bullock, St. John.	Yates and Stratford, Brantford.
Irish & Smith, Halifax.	Estey, Allwood & Co., St. John.

**ABSTRACT of Offers received for the Supply of 30,000 superficial feet Spruce Boards, 18th October, 1880.**

Name.	Address.	Per 1,000 ft. Board Measure.	Remarks.
		\$ cts.	
J. O. Fish.....	Newcastle .....	5 30	At once.
E. Sinclair.....	do .....	8 00	Immediately.
A. Grant.....	Amqui.....	5 50	
Butchart Bros.....	Rimouski .....	5 00	Deliver immediately, say 2 days.

ABSTRACT of Offers received for the Supply of 500 Cords Dry Soft Wood,  
18th October, 1880.

Name and Address.	Place of Delivery.	Per Cord.	Remarks.
		\$ cts.	
Ferd. Bellavance, Sayabec.....	On cars between Sayabec Station and Sandy Bay Cross..	0 80	Complete delivery 15th December.
LePage & Larrivéé, Rimouski..	Between Amqui and Tartague.....	0 98	Deliver 1½ months from date of contract.
Philippe LePage do ...	Between Sayabec and Tartague.....	1 04½	One month.
A. Lepage do ...	Between Tartague and Sayabec .....	1 09	One month.
Martin & LeBel, St. Octave.....	do do ...	1 10	100 cords on hand; balance in 3 weeks.
Nap. LaRoche do .....	Between Sayabec and St. Octave.....	0 98	Within one month from date.
H. LaRue do .....	do do ...	0 95	One month.
Joseph Smith, St. Moise .....	Between Sayabec and Tartague.....	1 00	(300 cords), 30th November.
G. St. Amand do .....	do do ...	1 10	From date to end of December.
Chas. Blondeau, St. Pachal.....	.....	.....	None on hand at present.
F. Pelchat, St. Alexandre .....	St. Alexandre and Lake Road Stations	2 10	Cut in two (2 ft. and 1½ ft. long. From time to time—Nov. 15th to Feb. 15th— <del>or</del> all at once—Feb. 15th.
do do .....	do do ...	1 90	Between 15th Jan. and June 1st.
do do .....	do do ...	1 65	Between Feb. 15th and June 1st.—4ft. long.
R. Fortin do .....	Between St. Alexandre and River-du-Loup.....	1 50	(2 ft. wood 25c. extra). Providing a train is supplied to load on the main line, deliver next week.

ABSTRACT of Offers received for the Supply of the following Ink and Mucilage, 20th October, 1880.

Name and Address.	Place of Delivery.	6 Dozen Stephen's B.B. Copying Fluid.		12 Dozen Stephen's B.B. Copying Fluid.		3 Dozen Stephen's B.B. Writing Fluid.		12 Dozen Stephen's B.B. Writing Fluid.		3 Dozen Carter's Violet Copying Ink.		12 Dozen Stephen's Scar-let Ink.		3 Dozen French Violet Common Ink.		12 Dozen Stephen's Scar-let Ink.		12 Dozen Pints Mucilage.		12 Dozen Small Bottles Mucilage, Carter's Reservoir.	
		Quarts per doz.	Pints per doz.	Quarts per doz.	Pints per doz.	Quarts per doz.	Pints per doz.	Quarts per doz.	Pints per doz.	Quarts per doz.	Pints per doz.	Quarts per doz.	Pints per doz.	Quarts per doz.	Pints per doz.	Quarts per doz.	Pints per doz.	Gills per doz.	Pints per doz.	Per doz.	Per doz.
J. A. McMillan, St. John.....	St. John Station .....	7 50	5 25	7 50	5 25	7 50	5 25	7 50	5 25	†	2 50	†	4 25	†	4 25	†	5 62	†	4 25	2 12	2 12
William Gossip, Halifax.....	Moncton.....	Imperial	Imperial	Imperial	Imperial	Imperial	Imperial	Imperial	Imperial		4 75	4 75	4 80	4 80	5 70	5 70	2 50	2 50	3 90	2 38	2 38
A. & W. McKinlay, Halifax.....	North Street Station.....	8 60	5 70	8 60	5 70	8 60	5 70	8 60	5 70		2 12	2 12	5 60	5 60	2 10	2 10	1 10	1 10	2 80	1 80	1 80
St Robt. Miller, Son & Co., Montreal.....	Chaudière Junction.....	6 50	4 50	6 50	4 50	6 50	4 50	6 50	4 50		3 50	3 50	5 60	5 60	2 10	2 10	6 doz.	6 doz.	4 50	2 50	2 50
Alex. Buntin & Co., do.....	do.....	6 75	4 60	6 75	4 60	6 75	4 60	6 75	4 60		6 00	6 00	5 50	5 50	2 10	2 10	1 15	1 15	2 85	.....	.....
W. H. MacLear, do.....	do.....	7 20	5 50	7 20	5 50	7 20	5 50	7 20	5 50		.....	.....	.....	.....	2 60	2 60	1 50	1 50	5 00	.....	.....
Barnes & Co., St. John.....	.....	No reply.		No reply.		No reply.		No reply.			.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

\*Carter's Crimson, 4 oz. bottles with cork, \$2.12; Glass, \$3.75.  
 †Not required

List of Parties asked to tender for Six Months' Supplies, October 13th, 1880.

Roberts, Simpson & Co., Halifax	C. & W. Wurtele, Quebec
John Stairs do	Thos. Andrews do
Irish & Smith do	Sherburne & Co., Boston
Theakston & Angwin do	Geo. Dunbar & Co. do
John Starr do	S. Waddell & Co., Montreal
W. Stairs, Son & Morrow do	E. J. Coghlin do
P. Walsh do	James Robertson do
McFarlane & Adams do	Middleton & Meredith do
MacDonald & Co. do	H. R. Ives & Co. do
Pickford & Black do	Cooper, Fairman & Co. do
William Elliott, Moncton	R. McKenzie do
Pritchard & Sons, St. John	Drummond Bros. do
Estey, Allwood & Co do	Geo. Irving, jr. do
Wisdom & Fish do	Thos. T. Turnbull do
W. H. Thorne & Co. do	Benny, MacPherson & Co. do
T. McAvity & Sons do	D. Ford Jones, Gananoque.
Chinic, Beaudet & Co., Quebec	

Box 874.

ABSTRACT of Offers received for the Supply of Hemp Canvas and Alarm Line Couplings, October 13th, 1880.

Name and Address.	Estimated Quantity—1000 yds. Canvas, 15 gross Alarm Line Couplings.		Per Gross.
	No. 1 p. yd.	No. 2 p. yd.	
William Elliott, Moncton.....	\$ cts.	\$ cts.	
W. H. Thorne & Co., St. John.		35	22 & 23 in. wide.
do do			
Estey, Allwood & Co., St. John			
MacDonald & Co, Halifax.....			
John Starr, Halifax.....			
W. Stairs, Son & Morrow, Halifax	{ 33	32	Hemp, 24 inches.....
	{ 30½	29	Cotton, 22 do .....
C. & W. Wurtele, Quebec.....	{ 27	26	Hemp, 24 inches.....
do do	{ 35	32	do 30 do .....
do do	{ 41	40	do 36 do .....
do do	{ 37	36	Cotton, 22 do .....
S. Waddell & Co., Montreal.....			10 oz. 29 in. wide, 23c. yd.
James Robertson do	{ 38	36	Cotton Duck.
do do	{ 38	37	X <sup>2</sup> Linen 24 inches.
do do	{ 38	37	Govt. Contract, M. XX.
do do	{ 31	30	Navy Fine Flat M. XX.
do do	{ 26	25	Boiled Tow XX.
Geo. Irving, jr. do	{ 40	38	Cotton Duck, 22 inches.....
do do	{ 22½		Hemp, 24 inches.....
	1.35	1.33	Cotton Duck, 40 inches.....
Sherburne & Co., Boston.....			In Bond.....
do do			do .....
Geo. Dunbar & Co., Boston.....			

ABSTRACT of Offers received for the Supply of Chopping Axes and Galvanized Iron Buckets, 13th October, 1880.

Name and Address.	Maker's Name.	Estimated Quantity.		
		Axes, 10 doz.	Buckets, 7 dozen.	
		Per doz.	Per doz.	Size.
W. H. Thorne & Co., St. John.....	Blake's.....	7 00	4 50	
do do .....	Fowler's.....	8 00		
do do .....	Andrew's.....	8 50		
Estey, Allwood & Co. do .....	Jas Campbell's.....	7 75	6 50	
W. Stairs, Son & Morrow, Halifax...	Blenkhorn's.....	8 25		
McFarlane & Adams, Halifax.....	Best.....	9 50		
do do .....	2nd best.....	8 50		
do do .....	Common.....	7 50		
John Starr. do .....	E. Kerr.....	8 00		
C. & W. Wurtele, Quebec.....	Warnock's, 3½ to 4½ lbs.	8 75	4 00	12 in. rivetted.
do do .....	do do .....	8 25	3 20	12 in. seamed.
do do .....	do do .....		3 79	13 in. do
do do .....	do do .....		4 30	14 in. do
Thos. Andrews do .....	do do .....	9 50	4 85	
Geo. Irving, jr., Montreal.....	Burrit's.....	9 00	4 59	12 in. do
do do .....	Welland Vale Co.....	9 00	5 00	13 in. do
do do .....	do .....		5 00	12 in. rivetted.
do do .....	do .....		6 00	13 in. do
Cooper, Fairman & Co., Montreal...	Warnock's 4½ to 5½ lbs.	7 70	3 50	
B. J. Coghlin do .....	do do .....	9 00		

ABSTRACT of Offers received for the Supply of Files and Rasps, warranted Best Cast Steel, 13th October, 1880.

Name and Address.	Maker's Name.	Estimated Quantity, 225 dozen.			Remarks.
		List Price, 14 in.	Dis- count.	Net	
		Per doz.	Per doz.	Per doz.	
W. H. Thorne & Co., St. John.	Butcher's.....	\$6 00	10 p.c.	\$5 40	Canadian List.
do do .....	Goodlad's.....	6 00	20 do	4 80	do
John Starr, Halifax.....	File and Spring Co..	6 00	33½ do	4 00	Delivered at Chaudière
W. Stairs, Son & Morrow, Halifax.....	Turner's.....	6 00	10 do	5 40	Currency for sterling.
C. & W. Wurtele, Quebec.....	W. S. Butcher's.....	6 00	3 do	5 82	
do do .....	Spear & Jackson's... ..	6 00	3 do	5 82	do
Thos. Andrews, Quebec.....	do .....	12 96	45 do	7 12½	List advanced 80 p.c.
S. Waddell & Co., Montreal.....	File and Spring Co. of Canada.....	6 00	33½ do	4 00	From Cammell's Steel.
Geo. Irving, jr. do .....	Johnston's.....	7 20	25 do	5 40	
do do .....	Spear & Jackson's... ..	7 20	15 do	6 12	
do do .....	Outram & Son's.....	7 20	35 do	4 63	
do do .....	Montreal File and Spring Co.....	6 00	20 do	4 80	
do do .....	Peace's.....	7 20	35 do	4 63	
Cooper, Fairman & Co., Mon- treal.....	Phoenix File Co.....	6 00	30 do	4 20	
B. J. Coghlin, Montreal .....	do .....	6 00	30 do	4 20	
Geo. Dunbar & Co., Boston.....	Arcade File Works...	7 50	10 do	6 75	Freight and duty paid.
Estey, Allwood & Co., St. John	W. S. Butcher's.....	6 00	10 do	5 40	

INTERCOLONIAL RAILWAY.

ABSTRACT of Offers received for the Supply of Window Glass and Gauge Glasses,  
13th October, 1880.

Name and Address.	Window Glass.			60 doz. Gauge Glasses, 14 x 8 Inches.	Remarks.
	Up to 25 united Inches.	26 to 40 Inches.	41 to 50 Inches.		
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	
W. H. Thorne & Co., St. John. ....	1 70	2 00	2 50	.....	Other sizes in proportion.
Estey, Allwood & Co. do .....	.....	.....	.....	1 40	
McDonald & Co., Halifax .....	.....	.....	.....	1 90	Tomey's.
W. Stairs, Son & Morrow, Halifax.	1 80	1 90	2 05	2 00	
C. & W. Wurtels, Quebec.....	1 80	1 95	2 10	2 00	
Thomas Andrews, Quebec.....	a 1 75	b 1 85	c 2 05	.....	48 to 56 inches, \$2.20.
S. Waddell & Co., Montreal.....	.....	.....	.....	1 30	Tomey's Eureka.
James Robertson, Montreal.....	.....	.....	.....	2 62½	
Geo. Irving, jun. do .....	1 90	2 00	2 30	1 45	
R. McKenzie, do .....	.....	.....	.....	1 30	
Geo. Dunbar & Co., Boston .....	.....	.....	.....	3 25	Freight and duty paid.

a Up to 28 united inches; b 29 to 38 inches; c 40 to 46 inches.

INTERCOLONIAL RAILWAY.

ABSTRACT of Offers received for the Supply of Best Galvanized Charcoal Sheet Iron, 13th October, 1880.

Name and Address.	Place of Delivery.	Estimated Quantity, 4,000 lbs.—Per 100 lbs.							Remarks.	
		20	22	23	24	25	26	27		28
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	
W. Stairs, Son & Morrow, Halifax	Halifax	7 50	8 00	8 00	8 00	9 00	6 75	6 75	7 25	24 X 72, G. A. O. Gospel Oak.
C. & W. Wurtele, Québec	Lévis	6 25	6 25	6 25	6 50	6 75	6 75	6 75	7 25	Morewood's Gospel Oak.
do	do	6 25	6 25	6 25	6 50	6 75	6 75	6 75	7 25	Redcliffe Crown.
do	do	6 25	6 25	6 25	6 50	6 75	6 75	6 75	7 25	Davies' Best Best, 6 X 2 or 2½ feet.
James Robertson, Montreal	Chaudière	5 50	6 00	6 00	6 00	6 50	6 50	6 50	7 00	Best Best.
do	do	5 00	5 50	5 50	5 50	6 00	6 00	6 00	6 50	Best quality.
Geo. Irving, jun.	Rivière du Loup	.....	.....	.....	.....	.....	.....	.....	7 90	Morewood's
do	Moncton	.....	.....	.....	.....	.....	.....	.....	8 00	Lion Best Best.
do	Rivière du Loup	.....	.....	.....	.....	.....	.....	.....	7 50	Davies' best Crown.
do	Moncton	.....	.....	.....	.....	.....	.....	.....	7 60	do
Cooper, Fairman & Co., Montreal	Chaudière or Point Lévis	.....	.....	.....	.....	.....	.....	.....	7 50	Morewood's Lion Best Best. To import.
do	do	.....	.....	.....	6 50	.....	6 50	.....	7 00	Lysaught and other cheaper brands.

ABSTRACT of Offers received for the Supply of Best Refined Sheet Iron, 13th October, 1880.

Name and Address.	Place of Delivery.	Estimated Quantity, 7 tons.					Remarks.
		No. 10	No. 12	No. 20	No. 22	No. 24	
		Per Ton.	Per Ton.	Per Ton.	Per Ton.	Per Ton.	
W. Starrs, Son & Morrow, Halifax.....	Halifax.....		2 75	2 75	3 10	3 10	24 x 72. 6 x 2 or 2½ Beaver. H.B.B. R. G. 6 x 2. Best quality. Woodford ordinary Woodford best close annealed, 72 x 24 or 30. For importation from England. Rose brand, Black sheets, over 8 feet long, 30cts. per 100- extra. Quotations for importation.
C. & W. Wurtele, Quebec.....	.....	2 90	2 90	3 50	3 75	3 75	
do do .....	.....	2 90	2 90	3 50	3 75	3 75	
do do .....	.....			3 75	4 25	4 50	
James Robertson, Montreal...	Chaudière.....	2 75	2 75	2 75	3 25	3 25	
George Irving, jun., do ...	Rivière du Loup.	3 30	3 30	3 30	.....	.....	
do do ...	Moncton.....	3 40	3 40	3 40	.....	.....	
do do ...	Rivière du Loup.	4 30	4 30	4 30	.....	.....	
do do ...	Moncton.....	4 40	4 40	4 40	.....	.....	
Cooper, Fairman & Co., Mont- real.....	.....	2 35	2 35	2 35	2 75	2 75	

ABSTRACT of Offers received for the Supply of Wrought Iron Steam Pipe, estimated quantity, 4,000 feet, 13th October, 1880.

Name and Address.	Place of Delivery.	Per Foot Net.						Remarks.
		¼in.	½in.	lin.	1½in.	2in.	3in.	
		Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	
W. H. Thorne & Co., St. John.....	.....	3½	5	6½	12	17	.....	Test pressure 500 lbs. to square inch. American. English. In Bond. With an order in hand for importation from England, could do 10 per cent. better.
MacDonald & Co., Halifax.....	Halifax.....	4½	6	8	14	21	45	
C. & W. Wurtele, Quebec.....	Lévis.....	3½	5	6½	11½	17	.....	
Thos. Andrews, do .....	.....	.....	8	9½	17	22	.....	
do do .....	.....	.....	6	8	13	20	.....	
S. Waddell & Co., Montreal.....	St. John.....	4½	5½	8½	14½	20½	42½	
James Robertson, do .....	Chaudière.....	2 97	4 ½	5 ½	9 ½	14 7	.....	
Geo. Irving, jun., do .....	Rivière du Loup.	3 ½	4 ½	6 ½	11 ½	16 ½	49 ½	
do do .....	Moncton.....	3 ½	5	6 ½	11 ½	16 ½	50	
B. J. Coghlin, do .....	.....	3	4 ½	5 ½	9 ½	15	.....	



ABSTRACT of Offers received for the Supply of Manilla Rope and Steel Shovels or Scoops for Locomotives, 13th October, 1880.

Name and Address.	Place of Delivery.	3,000 lbs. of Manilla Rope.	12 Dozen Steel Shovels or Scoops for Locomotives.	
			Cents.	
W. H. Thorne & Co., St. John.....		9 $\frac{3}{4}$	9 00	Jones' furnace.
John Starr, Halifax.....	Point Lévis.....	9	12 00	do locomotive.
do do.....	Halifax.....		10 75	half bright.
do do.....	do.....		10 25	all black.
W. Stairs, Son & Morrow, Halifax	do.....	10	14 50	Jones' Best Best solid steel.
McFarlane & Adams do	do.....	10	12 50	do 6 in. lighter.
do do	do.....		11 50	do 4 in. do
do do	do.....		8 00	iron.
do do	do.....		8 00	6 in. iron snow.
do do	do.....		10 25	6 in. steel do
do do	do.....			"D" or long handle.
C. & W. Wurtele, Quebec.....	Lévis.....	9 $\frac{1}{2}$	10 90	4 in. polished.
do do	do.....		10 25	2 in. do
do do	do.....		9 00	Tidways.
do do	do.....		12 00	7 in. do
do do	do.....		7 00	furnace.
Thos. Andrews do	do.....	10 $\frac{1}{4}$	11 50	
James Robertson, Montreal.....	Chaudière.....	10		
Geo. Irving, jun. do	Moncton.....	9 $\frac{3}{4}$	12 00	
do do	do.....		11 50	1st quality.
do do	do.....		9 75	2nd do
Cooper, Fairman & Co., Montreal	Chaudière.....		11 00	
B. J. Coghlin do	do.....		11 00	6 in. square mouth.
do do	do.....		9 50	2 in. do
Sherburne & Co., Boston.....	do.....		10 58	Hussey Binns & Co.
do do	do.....			2 in. solid cast steel.
S. Waddell & Co., Montreal.....	do.....		11 00	same as G.T.R.
do do	do.....		9 35	2nd quality.
Geo. Dunbar & Co., Boston.....	St. John or Halifax..	14 $\frac{1}{2}$		

ABSTRACT of Offers received for the Supply of Iron and Wood Screws. Estimated Quantity 500 gross, 13th October, 1880.

Name and Address.	Place of Delivery.	Per Gross Nett.			
		1 x 8 in.	1 $\frac{1}{2}$ x 12 in.	1 $\frac{1}{2}$ x 12 in.	2 x 14 in.
		Cents.	Cents.	Cents.	Cents.
W. H. Thorne & Co., St. John.....		15	22 $\frac{1}{2}$	25 $\frac{1}{2}$	40 $\frac{1}{2}$
John Starr, Halifax.....	Chaudière.....	16 $\frac{1}{2}$	24 $\frac{1}{2}$	27 $\frac{3}{4}$	43 $\frac{1}{2}$
W. Stairs, Son & Morrow, Halifax	North Street.....	15 $\frac{3}{4}$	23 $\frac{1}{2}$	26 $\frac{1}{2}$	41 $\frac{1}{2}$
C. & W. Wurtele, Quebec.....	Lévis.....	16 $\frac{1}{2}$	25 $\frac{1}{2}$	28	44 $\frac{1}{2}$
Thos. Andrews, Quebec.....	do.....	19 $\frac{1}{2}$	29 $\frac{3}{4}$	32 $\frac{1}{2}$	51 $\frac{3}{4}$
Geo. Irving, jun., Montreal.....	Moncton.....	16 $\frac{1}{2}$	24 $\frac{1}{2}$	27 $\frac{3}{4}$	43 $\frac{1}{2}$
Canada Screw Co., Dundas, Ont	Montreal.....	14 $\frac{1}{2}$	21 $\frac{1}{2}$	23 $\frac{1}{2}$	38 $\frac{1}{2}$
B. J. Coghlin, Montreal.....	do.....	16 $\frac{1}{2}$	24 $\frac{1}{2}$	27 $\frac{3}{4}$	43 $\frac{1}{2}$

ABSTRACT of Offers received for the Supply of Stove Shovels and Sandpaper, 13th October, 1880.

Name and Address.	Twenty dozen wrought Iron Fire Shovels.	Seven Reams Sand Paper.	
	Per doz.	Makers' Name.	
W. H. Thorne & Co., St. John.....	{ \$ 0.90 Carr..... 2.25 No. 1..... 1.75 " 3..... 4.75 " 0..... 5.25 " 00..... 3.00 " 2 Lifter..... 2.60 galv. wrought.....	\$3 90	Star.
do do .....	3.00 " 2 Lifter.....	5 00	Baeder & Adamson.
do do .....	2.60 galv. wrought.....		
John Starr, Halifax.....	{ 1.75 long handle..... 1.00 short handle.....		
W. Stairs, Son & Morrow, Halifax.....	.....	{ 0 to 1 1/2 \$4 70 2 to 3 5 00 }	do
C. & W. Wurtele, Quebec.....	\$ 1.10 Victor.....	{ 3 60 4 25 }	R. J. Widden & Co. Metropolitan. Baeder & Adamson. Star.
do do .....	.....	5 50	Best.
Thos. Andrews, Quebec.....	.....	3 25	R. & E. Manufacturing Co.
S. Waddell & Co., Montreal.....	.....	4 25	Goldsworthy.
Geo. Irving, jun., Montreal.....	.....	3 50	Baeder & Adamson.

ABSTRACT of Offers received for the Supply of Twenty Boxes of Tin and Turn Plates, October 13th, 1880.

Name and Address.	Tin Plates.				Turn Plates.			
	14 x 20.		20 x 28.		14 x 20.		20 x 28.	
	IC.	IX.	IC.	IX.	IC.	IX.	IC.	IX.
W. Stairs, Son & Morrow, Halifax	Per Box. \$6 50	Per Box. \$8 50	Per Box. \$13 00	Per Box. \$17 00	Per Box. \$6 00	Per Box. \$8 50		
C. & W. Wurtele, Quebec.....	6 75	8 75	.....	18 50	6 50	8 50		
James Robertson, Montreal.....			13 50	.....	5 50	.....		
do do .....			Offers IC. 10 x 14, \$6.00 Canada Plates. 18 x 24, 3.85 per Box.					
Geo. Irving, jun., Montreal.....	\$7 00	\$8 00	\$7 00	\$8 00				

ABSTRACT of Offers received for the Supply of White and Colored Waste, 13th October, 1880.

Name and Address.	Place of Delivery.	Fifteen tons White Waste.	Ten tons Colored Waste.	Remarks.
		Per lb.	Per lb.	
		Cts.	Cts.	
W. H. Thorne & Co., St. John.	{	A 8½	C 6½	Whole to be ordered at once.
John Starr, Halifax.		B 8½	P 7½	
W. Stairs, Son & Morrow, Halifax.		X 9½		
	North street.	97½	77½	
McFarlane & Adams, Halifax.	{	No. 9 8½	2 7	
C. & W. Wurtele, Quebec.		No. 24 8½	M 6½	
	Lévis	9½	7	
S. Waddell & Co., Montreal.	{	Chaudière	Eng. 6½	
		St. John.		
		F 8½		
		G 97½	H 7½	
		B 10½		
Geo. Irving, jun., Montreal.	Moncton	D 9½	P 8	
		B 8½	C 61½	
Cooper, Fairman & Co., Montreal.	{	A 9½	B	
		Chaudière or Point Lévis.	XXX 10½	B 8
			X 9½	P 7½
R. McKenzie, Montreal.	Rivière du Loup.	11	7	
B. J. Coghlin, Montreal.		9	6½	
George Dunbar & Co., Boston.	{	G.D. & Co.	G.D. & Co.	
		St. John or Halifax.	OK 9½	Co. 67½
			A 9½	C 6½
Sherburne & Co. do		B 8½		In bond.

LIST of Parties asked to Tender for Nuts, Nails, &c.—Six Months' Supplies—13th October, 1880.

Pickford & Black, Halifax.  
 P. Walsh do  
 Irish & Smith do  
 Roberts, Simpson & Co. do  
 Theakston & Angwin do  
 John Starr do  
 John Stairs do  
 W. Stairs, Son & Morrow do  
 McFarlane & Adams do  
 Starr Manufacturing Co. do  
 Halifax Rolling Mills Co. do  
 W. H. Thorne & Co., St. John. do  
 Wisdom & Fish do  
 T. McAvity & Sons do  
 Levi H. Young do  
 E. R. Moore & Co. do  
 S. R. Foster & Sons do  
 Pritchard & Sons do

F. G. Scovil, Coldbrook.  
 Wm. Elliott, Moncton.  
 Chinic. Beaudet & Co., Quebec.  
 C. & W. Wurtele do  
 St. John Nut Works, Indiantown.  
 Thomas Andrews, Quebec.  
 S. Waddell & Co., Montreal.  
 B. J. Coghlin do  
 James Robertson do  
 Middleton & Meredith do  
 H. R. Ives & Co. do  
 Cooper, Fairman & Co. do  
 Dominion Bolt Co. do  
 R. McKenzie do  
 Drummond Bros. do  
 George Irving, jun. do  
 Thos. T. Turnbull do  
 Benny, Macpherson & Co. do



ABSTRACT of Offers received for the Supply of Twenty Thousand Lbs. Nuts, Iron Hot Pressed Whitworth Standard Gauge, 13th October, 1880.

Name and Address.	Square—per 100 lbs.				Hexagon—Per 100 lbs.				Remarks.
	$\frac{1}{2}$ in.	$\frac{3}{4}$ in.	$\frac{7}{8}$ in.	1 in.	$\frac{1}{2}$ in.	$\frac{3}{4}$ in.	$\frac{7}{8}$ in.	1 in.	
W. H. Thorne & Co., St. John....	5 00	4 00	4 00	3 50	10 00	8 00	8 00	7 00	} Deliver'd at Chaudière.
St. John Nut Works do .....	4 50	3 75	3 50	3 50	9 50	7 75	7 50	7 50	
John Starr, Halifax.....	{ 4 50	4 00	3 50	3 50	8 00	7 00	6 50	6 50	
W. Stairs, Son & Morrow, Halifax..	8 00	7 50	7 50	7 50	11 00	10 50	10 50	10 50	
McFarlane & Adams do .....	6 00	5 00	5 00	4 50	10 00	9 00	9 00	8 00	
C. & W. Wurtele, Quebec.....	5 75	4 60	4 60	4 60	9 60	8 00	8 00	8 00	
B. J. Coghlin, Montreal .....	4 75	4 50	3 75	3 75	9 25	8 25	7 50	7 50	
Geo. Irving, jun., Montreal.....	4 55	3 75	3 75	3 75	7 55	6 75	6 75	6 75	
do do .....	4 65	3 85	3 85	3 85	7 65	6 85	6 85	6 85	
S. Waddell & Co. do .....	4 37 $\frac{1}{2}$	3 75	3 75	3 75	7 00	6 50	6 50	6 50	
Cooper, Fairman & Co., Montreal	4 82	4 30	4 30	3 77	9 03	8 00	8 00	6 92	
R. McKenzie do .....	4 50	4 00	4 00	4 00	7 50	6 50	6 50	6 50	
Dominion Bolt Co. do {	4 00	3 50	.....	.....	7 00	6 50	.....	.....	
	4 50	4 00	3 50	3 50	8 00	7 00	6 50	6 50	do Riv. du Loup. do Moncton.

ABSTRACT of Offers received for the Supply of Boiler and Smoke Stack Rivets, 13th October, 1880.

Name and Address.	Place of Delivery.	800 lbs. Boiler. Per 100 lbs.			200 lbs. Smoke Stack.		Remarks.
		$\frac{1}{2}$ in.	$\frac{3}{4}$ in.	$\frac{7}{8}$ in.	$\frac{1}{4}$ in.	$\frac{3}{8}$ in.	
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	
W. H. Thorne & Co., St. John.....		7 50	6 50	6 25	.....	.....	
Levi H. Young do .....	St. John.....	7 00	6 50	6 50	.....	14 00	Best Best London-derry iron.
Starr Manufacturing Co., Halifax.....	Halifax.....	6 00	5 00	4 75	10 00	8 00	
John Starr, Halifax.....	Chaudière.....	6 50	5 50	5 50	.....	.....	Bagnall's Best Best Rivet Iron.
W. Stairs, Son & Morrow, Halifax	North Station....	.....	4 50	4 50	15 00	15 00	
C. & W. Wurtele, Quebec.....		6 80	5 80	5 80	10 50	8 00	Best "S" Cast Iron
Geo. Irving, jun., Montreal.....	Rivière du Loup.	6 20	5 20	5 20	.....	.....	
do do .....	Moncton.....	6 30	5 25	5 25	.....	8 00	
S. Waddell & Co. do .....	Chaudière.....	5 50	5 50	5 50	.....	7 00	
R. McKenzie do .....	Rivière du Loup.	5 50	4 50	4 50	.....	7 00	
Dominion Bolt Co. do .....	Chaudière.....	6 50	5 50	5 50	.....	.....	Bagnall's Best Rivet Iron.
B. J. Coghlin do .....	.....	5 25	5 25	5 25	8 00	8 00	

ABSTRACT of Offers received for the Supply of Wrought Iron Punched Washers, 13th October, 1880.

Name.	Address.	Estimated Quantity 3,000 lbs. Per 100 lbs.				
		$\frac{1}{2}$ inch.	$\frac{3}{4}$ inch.	$\frac{1}{2}$ inch.	$\frac{1}{4}$ inch.	1 inch.
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
W. H. Thorne & Co.....	St. John.....	6 00	5 50	5 50	5 50	5 50
Levi H. Young.....	do .....	8 00	7 00	7 00	6 00	6 00
Starr Manufacturing Co.....	Halifax .....	5 00	5 00	5 00	5 00	5 00
W. Stairs, Son & Morrow.....	do .....	9 00	8 50	*8 50	8 50	8 50
C. & W. Wurtele.....	Quebec.....	8 00	7 00	7 00	7 00	7 00
R. J. Coghlin.....	Montreal.....	8 75	7 75	7 00	7 00	7 00
St. John Nut Works.....	St. John.....	6 00	5 50	5 50	5 00	5 00

\*9-16 inch.

LIST of Parties asked to Offer for Hose Rivet Buckets, &c., Six Months Supplies, 13th October, 1880.

Irish & Smith, Halifax.	William Elliott, Moncton.
Theakston & Angwin do	C. & W. Wurtele, Quebec.
John Starr do	Thos. Andrews do
John Stairs do	S. Waddell & Co., Montreal.
W. Stairs, Son & Morrow do	B. J. Coghlin do
McFarlane & Adams do	Canadian Rubber Co. do
Wisdom & Fish, St. John.	Cooper, Fairman & Co. do
W. H. Thorne & Co. do	T. McLroy, jun., Toronto.
T. McAvity & Sons do	Sherburne & Co., Boston.
Estey Allwood & Co. do	Geo. Dunbar & Co. do

ABSTRACT of Offers received for the Supply of Rubber Buckets, 13th October, 1880.

Name and Address.	Place of Delivery.	Estimated Quantity 8 Dozen.	Remarks.
		Per Dozen.	
		\$ cts.	
W. H. Thorne & Co., St. John.....		23 00	
Wisdom & Fish do St. John.....	St. John.....	26 40	
Estey Allwood & Co do .....		25 00	
C. & W. Wurtele, Quebec.....	Lévis.....	24 75	
T. McLroy, jun., Toronto.....	do .....	29 00	
Geo. Dunbar & Co., Boston.....	St. John or Halifax...	22 00	Freight and duty paid.
Sherburne & Co. do .....	do .....	16 79	A.
do do .....	do .....	23 49	B.
do do .....	.....	.....	In bond.

ABSTRACT of Offers received for the Supply of Rubber Hose and Packing, 13th October, 1880.

Name.	Place of Delivery.	Maker's Name.	1,000 feet of Rubber Hose, per foot.			400 lbs. Rubber Packing, per lb.		Remarks.
			List Price, 2½ inch, 4-ply.	Discount.	Net.	1½ in.	¾ in.	
			\$ cts.	Per cent.	Cts.	Cts.	Ozs.	
W. H. Thorne & Co., St. John.	.....	Canadian List .....	1 12	35	72½	45	45	Best quality.
do do	.....	do .....	.....	.....	.....	37½	37½	2nd do
Wisdom & Fish do	St. John.	do .....	1 12	40	67½	23	23	
Estey, Allwood & Co. do	do	Boston Elastic Fabric Co.....	1 12	45	61½	30	30	
McFarlane & Adams, Halifax.	do	Canadian Rubber Co.....	1 12	35	72½	44½	44½	1st quality.
do do	do	do .....	.....	.....	.....	37½	37½	2nd do
C. & W. Wurtele, Quebec.	Lévis	Canadian National and Trenton Rubber Co. ....	1 12	40	67½	37½	33	2-ply.
do do	do	do .....	1 12	20 and 5	86½	43	43	
S. Waddell & Co., Montreal.	Chaudière	Canadian Rubber Co.....	1 12	40	67½	44	44	2-ply.
Canadian Rubber Co. do	do	do .....	1 12	40 and 10	60½	37½	34½	
T. McIlroy, jr., Toronto.	Lévis	Gutta Percha and Rubber Manufacturing Co.....	1 12	40, 10, 5 and 2½	56	31½	27½	
George Dunbar & Co., Boston.	St. John or Halifax.	Bay State Rubber Works .....	1 12	40	67½	24	24	Standard.
Sherburne & Co. do	St. John	Boston Elastic Fabric Co.....	1 12	63	47½	22½	19½	Extra, in bond.
do do	do	do .....	1 12	63	52½	34½	30½	

ABSTRACT of Offers received for the Supply of One Carload Best Refined Kerosene Oil, 1st November, 1880.

Name and Address.	Place of Delivery.	Per Wine gallon.	Remarks.
		Cts.	
A. J. Babang & Co., Moncton..	Moncton .....	24 $\frac{3}{4}$	Victor.
Estey, Allwood & Co., St. John	St. John.....	27	"Keystone." Bbls. \$1.50.
E. W. Penny, Montreal.....	Moncton.....	25	Petrolia Oil Co.'s brand.
L. C. Barney, Montreal .....	.....	25	
John McMillan, Montreal .....	Moncton .....	27	Kohinoor.
Imperial Oil Co., London.....	Petrolia .....	20	24c. Imperial gall. Sunbeam, Victor or Atlantic.
Wellington Oil Co., Guelph ....	Moncton.....	24 $\frac{3}{4}$	Royal City, white, Headlight, specially prepared for railway winter use.
Yates & Stratford, Brantford....	.....	30	Best quality, specially for railway use, own brand.
J. Bullock, St. John.....	Moncton. ....	25	Atlantic, Imperial or Victor Brands. Received too late.
M. J. Woodward, Petrolia .....	.....	.....	None at present.

ABSTRACT of Offers received for the supply of Alcohol, Muriatic Acid and Chamois Skins, 20th November, 1880.

Name and Address.	Place of Delivery.	100 Galls. Alcohol	6 doz. Chamois Skins.	1 Carboy Muriatic Acid.	Remarks.
		Per Wine Gall.	Per Doz.	Per lb.	
T. B. Barker & Sons, St. John..	St. John.....	\$ cts. 2 15	\$ cts. 2 70	cts. 4	Carboy \$2. Will allow \$2 for carboy when returned.
Forsyth, Sutcliffe & Co., Halifax	.....	2 30	3 2 50	4	
Brown & Webb, Halifax.....	Halifax.....	2 21	3 2 65 4 3 00	5 $\frac{1}{2}$	
H. Sugden, Evans & Co., Montreal.....	.....	2 24	E 3 00	4 $\frac{1}{2}$ 5 $\frac{1}{2}$	Carboy included.
John McArthur, Montreal.....	Chaudière Junction.	2 42	7 3 00 7 $\frac{1}{2}$ 2 75	6	



ABSTRACT of Offers received for the Supply of Glue, Pumice Stone, Toilet Soap, and Blue Vitriol, 20th November, 1880.

Name and Address.	250 lbs. Pumice Stone.		200 lbs. Glue.	5 Boxes Toilet Soap.	2000 lbs. Blue Vitriol.	Remarks.
	Lump.	Powder.				
	Per lb.	Per lb.	Per lb.	Per box 3 doz. cakes.	Per lb.	
T. B. Barker & Sons, St. John....	3½c.	3½c.	12c.	\$2 55	} 5½c.	
Forsyth, Sutcliffe & Co., Halifax.	7c.	8c.	15c.	60		
Brown & Webb, Halifax.....	5½c.	4c.	{ 15c.	1 20	} 6c.	{ Eagle. Buckleys. London. Imperial.
do do .....			{ 22c.	1 29		
H. Sugden, Evans & Co. Montreal	3½c.	3½c.	{ A 21c.	} 60	} 7c.	
do do .....			{ B 18c.			
do do .....			{ C 14c.			
John McArthur & Son, Montreal..	6c.	5½c.	{ 24c.	} .....	} 6c.	{ White—American. do French medal. do Canon bright. London.
do do .....			{ A 16c.			
do do .....			{ B 15½c.			
do do .....			{ 16c.			
do do .....			{ 12c.			

ABSTRACT of Offers received for the Supply of Pure Hard Beef Tallow, 22nd November, 1880.

Name and Address.	Place of Delivery.	Per lb. — 10 to 15 tons.	Remarks.
W. Buckley, Amherst. ....	Amherst or other Stations.	8½ cents.....	In cakes; from 2 to 2½ tons per month until 1st May.
J. Calkins, Silver Falls, St. John.	St. John.....	7½ do .....	5 tons at once, and about 1 ton per week till 1st January.
Alex. Stewart, St. John .....	St. John.....	7¼ do .....	Between 1 and 2 tons at once.
W. S. Torrie, Moncton .....	Moncton.....	8 do .....	15 tons, in cakes; 5 tons immediately.
Edward Gastonguay, Rivière du Loup.....	.....	10 do .....	In cakes; 40,000 lbs. a year.

LIST of Persons asked to Offer.

W. S. Torrie, Moncton	Richard Currie, Halifax
Wm. Elliott do	Fader Bros. do
A. J. Babang & Co, Moncton	Mumford Bros. do
B. Sway, Sussex	Jas. Anderson do
J. Calkins, St John	John Hannan do
Wm. Logan do	M. J. O'Sullivan do
Alex. Stewart do	Edward Curran do
Wm. Buckley, Amherst	E. Holohan, Newcastle
John D. Ross, Truro	Jas. Falconer do
J. A. Leaman do	Bouchard Bros. & Co, Rimouski
Geo. McLellan, Halifax	Gastonguay & Senécal, Rivière du Loup.

LIST of Parties asked to Tender for Brushes, Brooms, &c.—Six months' Supply.

C. E. Burnham & Co., St. John.	P. Walsh, Halifax
J. J. D. Howe do	John Starr do
A. J. Lordly & Sons do	Geo. Thompson do
P. S. Simms & Co. do	Irish & Smith do
W. H. Thorne & Co. do	Geo. Fulton, Bass River, Londonderry
T. McAvity & Sons do	A. J. Babang & Co., Moncton
Thos. Dale do	William Elliott do
Baxter Bros., Halifax.	G. G. Flewelling, St. John
Gordon & Keith do	Napanee Brush Co., Napanee, Ont.
A. Stephen & Son do	Chas. Boeckh & Sons, Toronto
W. Stairs, Son & Morrow, Halifax	John Boyd, Montreal
John Stairs, Halifax.	R. T. Sutton, Brantford
Theakston & Angwin do	H. S. Evans, Halifax.

ABSTRACT of Offers received for the Supply of Stove and Scrub Brushes, and Corn Brooms, 22nd November, 1880.

Name and Address.	10 Dozen Scrub Brushes, all Bristle, not less than 9½ inches long.		10 Dozen Stove Brushes, all Bristle, not less than 10 inches long.		60 Dozen Corn Brooms.	
	Per doz.		Per doz.		Per doz.	
A. J. Babang & Co., Moncton...	3 40	2,602	2 10	2,602	1 70	2,605
do do	.....	.....	.....	.....	2 25	2,607
do do	2 80	2,603	2 50	2,603	2 00	2,606
T. S. Simms & Co., St. John ....	2 50	No 2.	2 40	No. 5.	1 60	6 stalk.
do do	.....	.....	2 20	No. 4.	1 75	3 hurl.
do do	.....	.....	1 35	No. 0.	2 40	6 do
do do	.....	.....	.....	.....	4 00	Railroad.
W. H. Thorne & Co., do ...	1 50	No. 2.	2 50	No. 5.	2 10	
do do	1 75	No. 1.	4 00	No. 14.	2 60	
do do	2 20	1 X X	.....	.....	.....	
do do	2 75	2 Ex.	.....	.....	.....	
John Starr, Halifax.....	8 50	.....	5 00	.....	1 70	4 hurl.
do do	.....	.....	.....	.....	1 90	3 do
do do	.....	.....	.....	.....	2 15	2 do
do do	.....	.....	.....	.....	2 30	1 do
do do	.....	.....	.....	.....	2 70	X Gem.
do do	.....	.....	.....	.....	3 00	A do
John Boyd, Montreal.....	4 25	X Bristle.	4 50	X bristle.	2 50	3 tie.
do do	5 00	XX do	.....	.....	2 90	4 tie.
Chas. Boeckh & Sons, Toronto..	3 00	Mixed.	2 25	All bristle.	2 50	1 X
do do	4 85	All bristle.	.....	.....	.....	
Napanee Brush Co., Napanee, O.	6 00	All bristle, extra	2 75	No. 8.	.....	
do do	3 00	Mixed hair.	3 25	No. 9.	.....	
do do	.....	.....	4 00	No. 10.	.....	

ABSTRACT of Offers received for the Supply of Wooden Water Buckets, Matches and Whisks, 22nd November, 1880.

Name and Address.	Place of Delivery.	15 Dozen Wooden Water Buckets.		200 Gross Matches.	20 Dozen Corn Whisks.	
		Per doz.		Per gross.	Per doz.	
Wm. Elliott, Moncton.....	St. John.....			30c.		
A. J. Babang & Co., Moncton.	do	*1 75		*28c.	1 60	2,602
do do	do				1 85	2,602
do do	do				2 25	2,603
do do	do				2 10	2,602 ex. velvet
T. S. Simms & Co., St. John...	do				1 35	Common.
do do	do				1 35	Pocket.
do do	do				1 60	1 velvet.
do do	do				1 85	2 do
do do	do				1 85	1 ex. do
John Starr, Halifax.....		1 70		*28c.	1 10	*Common.
do do			Larger wire eyes.	Chase's.	1 50	X velvet.
do do		1 80			1 55	1 do
John Boyd, Montreal.....					1 50	V. T.
Chas. Boeckh & Sons, Toronto		1 70	2 lb.		1 30	1
do do		1 90	3 lb.			

\*Only sample received.

ABSTRACT of Offers received for the Supply of Douglas Oak Office Chairs and Cushions, 22nd November, 1880.

Name.	Address.	Six dozen Office Chairs.	Six dozen Chair Cushions.	Remarks.
		Per doz.	Per doz.	
A. J. Lordly & Son .....	St. John.....		\$12 00	
do .....	do .....		8 00	Inferior grade.
C. E. Burnham & Co.....	do .....	\$20 00	9 00	
R. Baxter.....	Halifax.....	23 00	9 00	
Gordon & Keith.....	do .....	22 00	9 00	No. 1.
do .....	do .....		8 40	No. 2.

LIST of Parties asked to tender for Six Months' Supplies, 26th November, 1880.

Roberts, Simpson & Co., Halifax.  
 John Stairs do  
 Irish & Smith do  
 Theakston & Angwin do  
 John Starr do  
 W. Stairs, Son & Morrow do  
 P. Walsh do  
 McFarlane & Adams do  
 MacDonald & Co. do  
 Pickford & Black do  
 Pritchard & Sons, St. John.  
 Estey, Allwood & Co. do  
 Wisdom & Fish do  
 W. H. Thorne & Co. do  
 T. McAvity & Sons do  
 Wm. Elliott, Moncton.

Chinic, Beaudet & Co., Quebec.  
 C. & W. Wurtele do  
 Thos. Andrews do  
 Levi H. Young, St. John.  
 Starr Manufacturing Co., Halifax.  
 S. Waddell & Co., Montreal.  
 B. J. Coghlin do  
 James Robertson do  
 Middleton & Meredith do  
 H. R. Ives & Co. do  
 Cooper, Fairman & Co., Montreal.  
 R. McKenzie do  
 Drummond Bros. do  
 Geo. Irving, jr. do  
 Thos. T. Turnbull do  
 Benny, McPherson & Co. do

ABSTRACT of Offers received for the Supply of Best Oak-Tanned Leather Belting, 26th November, 1880.

Name and Address.	500 feet—Per foot, Net.				Remarks.
	2 in.	4 in.	5 in.	6 in.	
	Cts.	Cts.	Cts.	Cts.	
W. H. Thorne & Co., St John....	15	33	44	55	Jewell's.
T. McAvity & Sons, St. John.....	19 <sup>9</sup> / <sub>10</sub>	40 <sup>7</sup> / <sub>10</sub>	51 <sup>3</sup> / <sub>10</sub>	62 <sup>1</sup> / <sub>10</sub>	
Estey, Allwood & Co. do .....	21	45	57	69	Hoyt's.
John Starr, Halifax. ....	10 <sup>1</sup> / <sub>2</sub>	24 <sup>1</sup> / <sub>2</sub>	31 <sup>1</sup> / <sub>2</sub>	38 <sup>1</sup> / <sub>2</sub>	Jno. C. McLaren's extra quality, very heavy.
do do .....	11 <sup>1</sup> / <sub>2</sub>	26 <sup>1</sup> / <sub>2</sub>	33 <sup>1</sup> / <sub>2</sub>	41 <sup>1</sup> / <sub>2</sub>	do do
C. & W. Wurtele, Quebec.....	13	30	38	47	J. C. McLaren's extra heavy.
do do .....	11	26	33	41	do No. 1.
S. Waddell & Co., Montreal...	10 <sup>1</sup> / <sub>2</sub>	24 <sup>1</sup> / <sub>2</sub>	31 <sup>1</sup> / <sub>2</sub>	38 <sup>1</sup> / <sub>2</sub>	
Benny, McPherson & Co. do ...	9 <sup>1</sup> / <sub>2</sub>	22 <sup>1</sup> / <sub>2</sub>	29 <sup>1</sup> / <sub>2</sub>	35 <sup>1</sup> / <sub>2</sub>	
B. J. Coghlin do ...	10 <sup>3</sup> / <sub>100</sub>	23 <sup>3</sup> / <sub>100</sub>	30 <sup>3</sup> / <sub>100</sub>	37 <sup>1</sup> / <sub>100</sub>	Porter & Savage or other good makers.
Geo. Irving, jr. do ...	12	28	36	44	In full rolls; best short lap.
do do ...	11 <sup>1</sup> / <sub>2</sub>	26 <sup>1</sup> / <sub>2</sub>	33 <sup>1</sup> / <sub>2</sub>	41 <sup>1</sup> / <sub>2</sub>	No. 1; less than full rolls, 5 per cent. discount.

ABSTRACT of Offers received for the Supply of Alarm Line and Railroad Adzes, 26th November, 1880.

Name and Address.	Place of Delivery.	3000 lbs Alarm Line.	6 doz. Railroad Adzes.	Remarks.
		Per lb.	Per doz.	
		Cts.	\$ cts.	
W. H. Thorne & Co., St. John. ....		{ 18	24 00	Common.
T. McAvity & Sons do ..		{ 22		Best.
John Starr, Halifax .....		{ 15	20 00	4 <sup>1</sup> / <sub>2</sub> in. wide across face.
W. Stairs, Son & Morrow, Halifax.....	North street .....	{ 20		From best Russian hemp.
Thomas Andrews, Quebec.....		{ 14 <sup>1</sup> / <sub>2</sub>	23 50	6, 9 and 12-thread.
C. & W. Wurtele, Quebec . ....		{ 15 <sup>1</sup> / <sub>2</sub>	22 50	5 <sup>1</sup> / <sub>2</sub> in. face.
		{ 14 <sup>1</sup> / <sub>2</sub>		Russia 4-strand hemp. 3-strand.
S. Waddell & Co., Montreal .....	Chaudière.....	{ 21 <sup>1</sup> / <sub>2</sub>		No. 1.
		{ 26 <sup>1</sup> / <sub>2</sub>		2.
		{ 33		3.
		{ 33		4.
B. J. Coghlin, Montreal .....		{ 21 <sup>1</sup> / <sub>2</sub>	16 00	5 in. face.
George Irving, jun., Montreal...	Moncton or Rivière du Loup.....	{ 23	18 25	4 <sup>1</sup> / <sub>2</sub> in. face.
		{ 23		No. 1 unbleached Russian hemp.
		{ 25 <sup>1</sup> / <sub>2</sub>		Bleached.

ABSTRACT of Offers received for the Supply of Bunting and Crucibles, 26th November, 1880.

Name and Address.	Place of Delivery.	500 Yards Bunting— Per Yard.			40 Crucibles Nos. 30 — 50— American.	Remarks.
		White	Red.	Blue.		
		Cts.	Cts.	Cts.	Per No. Cts.	
W. H. Thorne & Co., St. John.					4½	American.
M. McAvity & Sons do					5	Taunton Crucible Co.
John Starr, Halifax.					4½	Jos. Dixon's.
W. Stairs, Son & Morrow, Halifax	North street.....	20	21	21		18 in. wide.
C. & W. Wurtele, Quebec.	Point Lévis.....	28½	28½	28½	5½	Dixon's.
R. McKenzie, Montreal	Halifax.....				5	do
Cooper, Fairman & Co., Mon- treal.....	Chaudière Junction.				4½	Taunton Crucible Co.
B. J. Coghlin, Montreal.					5½	
Geo. Irving, jun., Montreal.....		27½	27½	27½	5½	Bunting, 18in. wide. Crucible, Dixon's.
Estey, Allwood & Co., St. John					3½	Dixon's. Plus duty if out of stock. Prefer sending di- rect from factory to I. C. R.
Wisdom & Fish, St. John.....					6½	American.

ABSTRACT of Offers received for the Supply of Iron Chain, close link coil, 26th November, 1880.

Name and Address.	Place of Delivery.	4,000 lbs. Per Pound.			
		⅜ inch.	½ inch.	⅝ inch.	¾ inch.
		Cents.	Cents.	Cents.	Cents.
W. H. Thorne & Co., St. John.....		4½	4	4	
T. McAvity & Sons do		5½	4½	4½	
W. Stairs, Son & Morrow, Halifax....	North Station.....	5	4½		3½
C. & W. Wurtele, Quebec.....	Point Lévis.....	6	5½	5	5
Benny, MacPherson & Co., Montreal.		4	3½	3½	3
Geo. Irving, jun. do	Moncton or Rivière du Loup.	5½	4½	4	4

ABSTRACT of Offers received for the Supply of Emery Powder, Emery Cloth and Car Window Glass, 26th November, 1880.

Name and Address.	1,000 lbs. Emery Powder. Per lb.	8 Reams Emery Cloth.	50 Boxes Glass.			
			26 oz. for Car Windows. Per 100 ft. 22 x 16 inches.	26 x 16 inches.	24 x 24 inches.	28 x 20 inches.
	Cents.	Per ream.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
W. H. Thorne & Co., St. John.	5 (other Nos. 6½)	17 00 Baeder & Adamson, to best grade, English make.	8 00		8 50	8 50
T McAvity & Sons, St John.	7½	18 00 Wellington, Oakey & Son, twilled.				
Estey, Allwood & Co., St. John.	3½					
Wisdom & Fish, St. John	8	24 00 Baeder, Adamson & Co				
W. Stairs, Son & Morrow, Halifax..	3 (Corn 6).	9 00 Oakey's				
John Stairs, Halifax.....	7½					
Thos. Andrews, Quebec..	10½	9 00 do	10 17	11 30	11 30	11 75
C. & W. Wurtele do	5 (Corn 7½).	10 00 do best	10 00	10 00	11 50	11 50
S. Waddell & Co., Montreal.		8 50 Thos. Goldworthy & Son.	8 00	8 50	8 50	8 50
Benny, MacPherson & Co., Montreal.	3½	8 25 J. Oakey & Son.....				
B. J. Coghlin, Montreal..	6	8 00 Oakey's best.....				
Geo. Irving, jun. do	8½	9 20 do D X brand (double diamond).	7 80	8 80	9 50	8 80

ABSTRACT of Offers received for the Supply of Claw Hammers and Lowmoor Iron, 26th November, 1880.

Name and Address.	Place of Delivery.	3 Dozen Claw Hammers. Per dozen.	12,000 lbs. Lowmoor or Bowling Bar Iron. Per 100lbs.	Remarks.
		\$ cts.	\$ cts.	
W. H. Thorne & Co, St. John..		18-4 00	6 25	
do do		19½-3 00		
do do		22-6 00		
do do		24-2 50		
John Stairs, Halifax.....	North Station.....		5 75	Usual sizes, extras usual advance.
Thomas Andrews, Quebec.....		10 25		
C. & W. Wurtele do	Point Lévis.....	3 75	6 63	
do do	do	adze eye 5 60		
S. Waddell & Co., Montreal. ...	Halifax.....		4 90	Time to import as in previous contracts, delivery within 4 or 5 weeks after order.
Benny, MacPherson, Montreal..		22-6 00		Ordinary sizes.
G. Irving, jun., Montreal.....	Moncton or Rivière du Loup.	3 40	6 75	
Estey, Allwood & Co., St. John		adze eye 10 60		
Wisdom & Fish do		Nil.	Nil.	

ABSTRACT of Offers received for the Supply of Hand Saws and Belt Lacing,  
26th November, 1880.

Name and Address.	5 Dozen Hand Saws, 30 inches, Best Cast Steel.		36 Sides Leather Belt Lacing.	
	Per doz.		\$ cts	
W. H. Thorne & Co, St. John.	7 00	.....	3 00	6 to 7 lbs. per side.
do do	.....	.....	4 00	7 to 8 lbs. do
do do	.....	.....	5 00	9 to 10 lbs. do
T. McAvity & Sons, do	10 50	Jackson's.....	0 65	Per lb., 4 to 6 lbs. per side.
John Starr, Halifax	10 00	do .....	0 58	Per lb.
Thos. Andrews, Quebec	26 50	Spear & Jackson.....	.....	.....
C. & W. Wurtele, do	14 00	26 in. do .....	3 50	About 4 lbs. side.
do do	17 00	30 in. do .....	.....	.....
S. Waddell & Co., Montreal	.....	.....	2 66½	40 to 50 lbs. per dozen sides.
B. J. Coghlin, Montreal	.....	.....	3 00	.....
			3 50	.....
			4 00	.....
Geo. Irving, jun., do	18 00	26 in. Shanty Dietrick	1 95	30 lbs per dozen.
do do	.....	.....	2 20	35 do do
do do	.....	.....	2 50	40 do do
do do	9 00	26 in. Clark & Co....	2 95	45 do do
do do	.....	.....	3 33	50 do do
Estey, Allwood & Co., St. John	21 00	107-30 in. Disston's..	*3 50	.....
Wisdom & Fish, St. John	.....	.....	4 00	8 lbs. per side.

\*Same as before. Less 30 per cent. if direct from factory to address, Intercolonial Railway.

ABSTRACT of Offers received for the Supply of Coach Screws, 1,000 lbs., Square  
Head and Gimlet Point, 26th November, 1880.

Name and Address.	Place of Delivery.	List Price.	Discount.
		3 x ½.	
		Per 100.	
D. McAvity & Sons, St. John	.....	5 20	55 per cent.
John Starr, Halifax	.....	5 20	60 per cent. and 10 per cent.
C. & W. Wurtele, Quebec	Point Lévis.....	5 20	50 do
B. J. Coghlin, Montreal	.....	5 20	55 do
Benny, MacPherson & Co., Montreal	.....	4 85	50 do
Geo. Irving, jun., Montreal	Moncton or Rivière du Loup.....	5 20	50 do and 2½ do

ABSTRACT of Offers received for the Supply of Steel, Brass and Copper Wire, 26th November, 1880.

Name and Address.	Place of Delivery.	200 lbs.	200 lbs.	300 lbs.	—
		Steel Wire.	Brass Wire.	Copper Wire.	
		Per lb.	Per lb.	Per lb.	
W. H. Thorne & Co., St. John.....	North Street.....	8c. to 12c.	25c.	30c.	20 and larger.
John Stairs, Halifax.....	.....	.....	20c.	25c.	
Thos. Andrews, Quebec.....	.....	.....	38c.	38c.	
C. & W. Wurtele, do.....	Point Lévis.....	19c. to 28c.	27c.	31c.	
Benny, MacPherson & Co., Montreal.....	.....	.....	30c.	30c.	
B. J. Coghlin, Montreal.....	.....	Up to 6—9½c.	21c.	25c.	
do do.....	.....	10—11c.	.....	.....	
do do.....	.....	12—11½c.	.....	.....	
Geo. Irving, jun., Montreal.....	Moncton or Rivière du Loup.....	Up to 9—15c.	25½c.	31c.	
do do.....	.....	10—16c.	.....	.....	
do do.....	.....	11 and 12—17c.	.....	.....	

ABSTRACT of Offers received for the Supply of One Carload Freight Car Axle Oil for winter use, and One Carload Refined Kerosene Oil, 27th November, 1880.

Name and Address.	Place of Delivery.	Per Wine Gallon.		Remarks.
		Freight Car Oil.	Kero-sene.	
		Cts.	Cts.	
A. J. Babang & Co., Moncton.....	Moncton.....	.....	23½	Silver Star; this week.
do do.....	do.....	.....	22½	
J. Bullock, St. John.....	St. John.....	12	22	Victor; within two weeks.
do do.....	Moncton.....	.....	.....	Silver Star, Victor, Atlantic, Sunbeam or Imperial brands.
Irish & Smith, Halifax.....	do.....	14	.....	Star of India.
John McMillan, Montreal.....	do.....	10½	25	
E. W. Penney, do.....	do.....	11½	25	Wellington Oil Co..
Murray Bremner & Co., Montreal.....	do.....	11	28½	Royal City White.
H. A. Rorison, Ottawa.....	do.....	.....	26	Imperial Brand
Wellington Oil Co., Guelph.....	do.....	.....	22½	Royal City White.
M. J. Woodward, Petrolia.....	.....	11	.....	Own brand, Imperial measure.
Yates & Stratford, Brantford.....	.....	15	29	
do do.....	.....	.....	.....	Same as supplied G.T.R.
Geo. B. Stock, Toronto.....	Moncton.....	17	.....	No. 1.
do do.....	do.....	14	.....	No. 2.
Imperial Oil Co., London.....	London.....	9	22	Imperial gallon. Victor, Imperial or Sunbeam brands.
Daly & Co., Stratford.....	Moncton.....	20	.....	Best quality.
do do.....	do.....	16	.....	2nd do
E. Hearle, Montreal.....	.....	.....	.....	No reply.
L. O. Barney do.....	.....	.....	.....	do
J. D. Noble, Petrol'a.....	.....	.....	.....	do
J. R. Minhinnick, London.....	.....	.....	.....	do
R. T. Sutton, Brantford.....	.....	.....	.....	do
John Starr, Halifax.....	.....	.....	.....	do
Eatey, Allwood & Co.....	.....	.....	.....	do



List of Parties asked to Tender for Burners, Chimneys, &c.—Six Months' Supplies—  
29th November, 1880.

J. R. Cameron & Co., St. John.	T. McAvity & Sons, St. John.
F. Clementson & Co. do	William Elliott, Moncton.
J. Bullock do	A. J. Babang & Co. do
W. H. Hayward do	F. T. Thomas, Quebec.
Baldwin & Co., Halifax.	E. Chanteloup, Montreal.
Irish & Smith do	Geo. Sweet, Hamilton, Ont.
John Starr do	T. McDonald & Co., Toronto, Ont.
W. H. Thorne & Co., St. John.	W. T. Parish, Port Perry, Ont.

ABSTRACT of Offers received for the Supply of Sun and Dual Burners,  
29th November, 1880.

Name and Address.	Per Dozen.				Remarks.
	150 dozen Sun.		50 dozen Dual.		
	A	B	A	B	
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	
William Elliott, Moncton.....	1 98	1 86	4 95	6 31	
F. Clementson & Co., St. John.....	1 50	2 25	.....	.....	Star pattern.
W. H. Hayward do .....	1 80	2 60	4 50	5 75	Same as before.
F. T. Thomas, Quebec.....	1 50	2 00	4 00	5 35	
E. Chanteloup, Montreal.....	1 55	2 15	.....	6 00	

ABSTRACT of Offers received for the Supply of Sun and Dual Chimneys,  
29th November, 1880.

Name and Address.	300 dozen Sun.		100 dozen Dual.		Remarks.
	A.	B.	A.	B.	
	Per doz.	Per doz.	Per doz.	Per doz.	
Wm Elliott, Moncton.....	48c.	70c.			
W. H. Hayward, St. John.....	{ 40c }	64c.	.....	.....	{ 100 dozen straight. Bulb.
J. Bullock, St. John.....	44c.	63c.	46c.	65c.	
F. T. Thomas, Quebec.....	30c.	60c.	75c.	\$1 00c.	
E. Chanteloup, Montreal.....	\$1 05c.	\$1 40c.	.....	1 80c.	
Geo. Sweet, Hamilton.....	55c.	75c.	55c.	75c.	Received too late.

ABSTRACT of Offers received for the Supply of White and Ruby Globes, marked I.C.R., 29th November, 1880.

Name and Adress.	45 dozen White Globes.	45 dozen Ruby Globes.	Remarks.
	Per dozen.	Per dozen.	
F. Clementson & Co., St. John.....	\$1 90	\$8 00	If Railway will pay for mould which would cost about \$25. Globes for Tubular Lanterns (not marked) marking about 50c. per doz.
J. Bullock, St. John.....	1 25	.....	
F. T. Thomas, Quebec.....	1 25	.....	
E. Chanteloup, Montreal.....	3 50	10 00	

ABSTRACT of Offers received for the Supply of White and Brass Lanterns, 29th November, 1880.

Name and Address.	240 White Lanterns.	24 Brass Lanterns.	Remarks.
	Per dozen.	Per dozen.	
W. H. Thorne & Co., St. John.....	\$5 50	.....	Tubular. With globes. Tubular.
F. Clementson & Co., St. John.....	13 20	\$90 00	
F. T. Thomas, Quebec.....	6 00	.....	
E. Chanteloup, Montreal.....	10 00	62 40	

Tubular not suitable.

ABSTRACT of Offers received for the Supply of Wicks and Wicking, 29th November, 1880.

Name and Address.	100 Gross Lamp Wicks. — Per Gross.			150 lbs. Lamp Wicking in 2 oz. balls. — Per lb.
	A.	B.	O.	
	Cents.	Cents.	Cents.	
Wm. Elliott, Moncton.....	45	85	48	.....
F. Clementson & Co., St. John.....	50	80	45	60
W. H. Hayward do .....	35	60	30	.....
F. T. Thomas, Quebec.....	35	60	30	35
E. Chanteloup, Montreal.....	40	68	33	45

ABSTRACT of Offers received for the Supply of the following Globe Stoves, 8th December, 1880.

Name and Address.	Place of Delivery.	18	48	48	18	Remarks.
		Stoves.	Stoves.	Stoves.	Stoves.	
		No. 10.	No. 12.	No. 14.	No. 16.	
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	
Record & Boyer, Moncton.....	Moncton Station...	3 70	4 70	5 90	6 90	As required.
W. Hazelhurst, St. John.....	St. John, Freight House.	3 90	4 85	5 85	6 90	do
Adam Young do .....	.....	2 80	3 95	4 95	5 65	If railway supplies, band patterns.
do do .....	.....	3 30	4 45	5 45	6 15	Price patterns included, supply 24 per week.
A. Robb & Sons, Amherst.....	Amherst Station...	4 45	5 80	7 30	8 55	24 per week if required.
W. Smyth, Rivière du Loup.....	.....	.....	7 00	.....	.....	One month.....
W. S. Symonds & Co., Halifax.	Halifax Station....	*3 75	*5 25	*7 25	†8 50	Commence at once.
Clish, Crowe & Co., Truro.....	Truro Station.....	3 25	4 40	5 40	6 20	

\* Slicer. † Bee Hive.

ABSTRACT of Offers Received for the Supply of Ingot Copper, Block Tin and Spelter, 27th December, 1880.

Name and Address.	Place of Delivery.	2,000 lbs.	2,000 lbs.	6,000 lbs.	Remarks.
		Best Ingot Copper.	Best Block Tin.	Spelter, Vielle Montague.	
		Per lb.	Per lb.	Per lb.	
		Cts.	Cts.	Cts.	
Irish & Smith, Halifax.....	.....	23	26	6½	At once.
W. Stairs, Son & Morrow, Halifax	.....	18	*25½	6	Can deliver ¼ of copper and other goods at once.
C. & W. Wurtele, Quebec .....	.....	17½	27	5½	Immediate delivery.
B. J. Coghlin, Montreal.....	Chaudière...	16½	25½	6	do 20 cts. per 100 lbs. less in Montreal.
George Irving, jun., Montreal .....	Montreal.....	16½	24½	5½	From stock, at once.
do do .....	do .....	.....	.....	5	Re-melted.
S. Waddell & Co. do .....	Chaudière...	16¾	†24	5½	From stock, at once.
do do .....	do .....	16	.....	.....	Huntingdon.
Copeland & McLaren, Montreal...	Montreal.....	16½	23½	5½	Deliver immediately.
John Starr, Halifax.....	Chaudière ..	16½	.....	5½	Immediate delivery.
do do .....	do .....	.....	.....	5	Re-melted.
Thomas Andrews, Quebec .....	.....	18½	27	6	
W. H. Thorne & Co., St. John .....	.....	17½	23	5	Within two weeks.

\* "Straits."

† Lamb & Flag.

**RETURN**

(82)

To an ADDRESS of the HOUSE OF COMMONS, dated 6th March, 1882 :—For a Copy of the Proclamation bringing into force the Act extending the Boundaries of the Province of Manitoba.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
11th March, 1882,*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]*

## RETURN

(8)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th March, 1882;—  
For Copies of all Despatches between the Governments of Canada and of Manitoba, and of all Correspondence between members of such Governments, and of all Orders in Council in reference to the extension of the boundaries of Manitoba, and also in reference to further grants of money or other aid to that Province.

By command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
29th March, 1882.

*Secretary of State.*

—

*Copy of a Report of a Committee of the Honourable the Privy Council for Canada, approved by His Excellency the Governor General, on the 7th day of March, 1882.*

The Committee of the Privy Council have had under consideration the memorandum, dated the 7th February last, from Messrs. Norquay and Larivière, delegates of the Executive Council of the Province of Manitoba, appointed to confer with the Privy Council of Canada in reference to the several subjects set forth in the printed memorandum hereto annexed; and they have the honor to report to your Excellency in Council as follows:—

### 1. Increase of Subsidy.

The Committee of the Privy Council have carefully considered the application in this respect of the delegates from Manitoba.

The allowance for Government and legislation in Prince Edward Island, upon a population of 120,000, was only \$30,000; that of British Columbia, upon a population of 60,000, was \$35,000.

The Committee of Council were obliged to bear in mind such analogies in dealing with the request of the delegates, but they are prepared to recommend an increase on this head to Manitoba of \$20,000, making the allowance to that Province for legislation and Government, \$50,000.

The present population of Manitoba is estimated by the delegates to be nearly 90,000 upon a basis of 25,000 immigrants having entered the country since the census returns, these returns showing an actual population of 64,814; there is moreover a large monthly addition of intending settlers arriving and with many indications that the stream of immigration will continue and increase.

The Committee of the Privy Council are willing to recommend that the population be reckoned for the purpose of adjusting the sum *per caput* to be allowed to the Province at 150,000, and, at eighty (80) cents a head, to allow \$120,000 thereon; and they are also willing to allow to Manitoba the same sum that was allowed to Prince Edward Island in lieu of lands, namely \$45,000.

These sums, with the interest due to Manitoba on the undrawn allowance for debt, would make the income of that Province from Dominion sources \$227,153.04.

### 2. Public Lands.

The Committee of the Privy Council are not prepared to recommend any change in respect to the Dominion Lands lying in Manitoba. The analogy which the dele-

gates see between the public lands in other Provinces and those in Manitoba does not seem to the Committee of Council to be well drawn inasmuch as the other Provinces owned their lands before Confederation and brought them into the Union with them as their own property; whereas, the whole of Manitoba was acquired by the Dominion by purchase from the Hudson's Bay Company, and thus became the property of the Dominion, and stands really, as it seems to the Committee of Council, in the same position as lands in the Territories of the United States, which are not given to new States as these new States are created, but remain the property of the United States.

Considering, however, the peculiar position of the Province, the Committee of Council have indicated in the previous paragraph their willingness to allow Manitoba at the rate of \$45,000 a year, as is done in Prince Edward Island, in lieu of lands.

#### *School Lands.*

These lands, which were set apart for educational purposes, were vested as a high trust in the Government of the Dominion, and the future necessities of the Province of Manitoba, will, it is thought by the Committee of Council, be best consulted by retaining the administration of the trust as contemplated by the laws of the Dominion—the annual interest, less the expense of administration being paid over to the Province for educational purposes.

#### *3. Half-Breed Grant in the added Territory.*

The grants to half-breeds in the original Province of Manitoba were made on account of the peculiar circumstances of the time and the position of these half-breeds, but the result was, as regards them, not encouraging, and to make additional grants to the children of half-breeds in the added territory would be, it is thought, simply to furnish additional opportunities for speculators without really benefitting the half-breeds.

#### *4. Appointment of Judges.*

The Committee of the Privy Council recommend the appointment of two County Judges, and that Parliament be asked to furnish salaries for them, the Legislature of Manitoba having by Chapter 28 of 44th Victoria, passed the necessary provisions in that behalf.

#### *5. The Boundary Question.*

The Committee of the Privy Council recommend that the Government of Manitoba be informed that the Dominion Government is doing, and will continue to do, all in its power to arrive at a settlement of the disputed boundary between Manitoba and Ontario, and will gladly second any effort which the Government of Manitoba may make in the same direction.

#### *6. Representation of the Province as Enlarged.*

The position taken by the delegates, as regards the right of the Province to an additional member in the Senate, is admitted to be correct, and the Committee of Council recommend that the Government of Manitoba be informed that an appointment accordingly to that body will shortly be made.

As regards representation in the Commons (which is based upon population) the Province is not entitled to an additional member in that House. The question of what might be called the "Territorial" claim to an additional member it is difficult to deal with, but the Committee of Council advise that the Government of Manitoba be informed that the Dominion Government will give it careful consideration, with a desire to meet, if possible, the wishes expressed on behalf of Manitoba by its delegates.

#### *7. Prosecution of Work on Public Buildings.*

The Committee of the Privy Council recommend that the Government of Manitoba be informed that energetic steps will be taken to prosecute the work on the Parliament House and the Government Buildings at Winnipeg, and that a vote

will be taken for the erection of a Lunatic Asylum, if not on the confines of Manitoba, at all events within reach of that Province, and that provision will be made for receiving lunatics from Manitoba on reasonable terms.

The Committee submit the above recommendations to Your Excellency's favorable consideration.

Certified.

J. O. COTE, *Clerk P. C.*

**MEMORANDUM** of the Delegates of the Executive Council of the Province of Manitoba, appointed to confer with the Privy Council of Canada in reference to the following subjects:—

1ST—INCREASE OF SUBSIDY.

In urging upon the Privy Council a re-arrangement of the subsidy allowed by Canada to the Province of Manitoba, the Delegates would respectfully submit the following:—In 1870, when Manitoba was created a Province of the Dominion and invested with all the responsibilities incident to Constitutional Government, she was allowed by Canada a subsidy of \$67,204.50, made up in the following manner:—

Specific Grant for support of Government and Legislation.....	\$30,000.00
80c. per head on an assumed population of 17,000 souls.....	13,600.00
5 per cent. interest on a debt capital of \$472,090, which represented a debt of \$27.77 on above population, being the basis on which the other Provinces were assumed by the Dominion on their entering Confederation.....	23,604.50
	\$67,204.50

By the re-adjustment of the debts of the older Provinces, under 36 Vic., cap. 30, old Canada was relieved of a debt of \$10,506,089.84, and the same assumed by the Dominion.

Nova Scotia was allowed an increase to her debt capital of.....	\$1,344,780.00.
New Brunswick “ “ “ .....	1,176,680.00.
British Columbia “ “ “ .....	280,084.00.
Manitoba “ “ “ .....	79,457.00.

which, at 5 per cent. interest, increased the subsidy of the Province to \$71,172.26. It was, however, soon demonstrated that, even with the increase referred to, the revenue of the Province was insufficient to meet the necessary expenditure and, year after year, the legislative appropriations were unavoidably exceeded; so that in 1875 the sum of \$158,386.11 had been withdrawn from the capital at the credit of the Province, and the yearly revenue reduced by the interest on that sum at 5 per cent., amounting to \$7,919.31, leaving the Province from Dominion sources an available subsidy of \$63,253.04. To supplement the inadequacy of the revenue of the Province, Parliament was asked to authorize a temporary grant, under 39 Vic., cap. 3, of \$26,746.96, thus raising the revenue to \$90,000.00, the operation of the Act to cease on the 31st December, 1881.

By an arrangement between the Provincial authorities and the Government of Canada, an advance under 41 Vic., cap. 13, was authorized in aid of the Public Schools of Manitoba, of \$10,000 per annum for three years, ending 30th June, 1881, which sum, with 5 per cent. interest, is to be charged against the first sales of School Lands, but of which the Government of Manitoba have only received \$20,000.00.

Notwithstanding the addition to the annual subsidy thus made from time to time, it was found utterly impossible to inaugurate any system of public improvements as the revenue, with the most rigid economy, was still inadequate to meet more than the absolutely necessary expenses of Government; and this state of affairs was largely brought about by the rapid increase of settlement and corresponding requirements incident thereto.

Under 42 Vic., cap. 2, a further temporary grant of \$15,653.04 was made to the Province, thus bringing the subsidy up to \$105,653.04, the operation of which act ceased on the 31st December last.

In the efforts of the local authorities to meet as far as lay within their power the demands made upon them by immigrants and settlers for the improvement of the leading highways through the Province, the Government spent out of the slender means at their disposal the sum of \$137,769.43, and in addition to this, during the years 1880 and 1881, they expended a further sum of over \$100,000 in prosecuting a system of drainage which has been of incalculable benefit to the Province, and have thereby reclaimed a vast area of submerged lands which would otherwise have been totally useless and an insurmountable obstacle to settlement. In order to effect the above, inroads were made into our capital account, from time to time, by which the amount to our credit has been reduced from \$551,447.00 to \$243,060.89.

Under the existing arrangements providing for the revenue of the Province, the total of our available revenue from the Dominion is as follows:—

Interest on \$243,060.89 at 5 per cent.....	\$12,153 04
Specific Grant.....	30,000 00
80 cents per head on a population of 64,814.....	51,861 20
	\$94,004 24

In addition a sum amounting to about \$18,000.00 is derived from Provincial sources, so that the total revenue of the Province may be estimated at about \$112,000.00.

The necessary expenditure of the Province, owing to increased settlement and enlarged area, has become out of all proportion to the available revenue.

It is impossible at the present juncture to estimate with any degree of accuracy the expenditure that will be necessary to carry out the public business of the Province, owing to the unsettled question of the Eastern boundary, by which Manitoba may, or may not have to assume control over a large area of thinly-settled country, the expense of governing which will be out of all proportion to the population residing therein.

It is reasonable to suppose that with the increased facilities afforded by the Canadian Pacific and other railways now under construction, the yearly increase to the population will be much larger and more rapid than it has been during the last decade, and with it correspondingly increased expenditure will be the inevitable result.

The undersigned would therefore respectfully suggest that such a financial arrangement be now made as will obviate the necessity of delegations from the Province such as have taken place annually since the year 1872. The undersigned would further respectfully suggest as a basis of subsidy that the Province be allowed for its Government and Legislature the sum of \$60,000.00; also 5 per cent. interest on \$3,243,000.00, being at the rate of \$32.43 per head on a population of 100,000 souls, less amount already withdrawn by the Province, and 80 cents a head on 100,000 souls, \$80,000.00, making in all \$286,730.70. In support of this assumed population, the undersigned would respectfully submit the following:—That the census returns show a population in Manitoba of 64,814 souls, which did not include the immigrants of last year, which may be estimated at 25,000, making in all 89,814. The attention that Manitoba is now attracting may fairly justify the belief that before the close of the year 1882 the population will have far exceeded the 100,000.

#### 2ND—THE PUBLIC AND SCHOOL LANDS.

It would seem to have been a recognized principle that one of the bases of Confederation should be that each Province then forming part of the Union should have the management and sale of the public lands and of the wood and timber thereon, as provided for in clause 92 of the British North America Act, the revenue derivable therefrom to be administered by the Provincial authorities in the interest of the



different Provinces respectively; and we find the same principles recognized in the provisions by which the Provinces of British Columbia and Prince Edward Island were admitted into the Union subsequent to the creation of Manitoba as a Province of Canada. The policy of Canada towards Manitoba stands out in marked contrast to that pursued towards the last-mentioned Provinces by the Dominion, for while we find British Columbia enjoying all the privileges conferred on the other Provinces in reference to the management and sale of its public lands, and Prince Edward Island, which had no public domain, when entering Confederation, receiving an annual allowance to enable her to acquire the same, clause 30 of the Manitoba Act provides that all ungranted or waste lands in the Province shall be vested in the Crown and administered by the Government of Canada for the purposes of the Dominion.

The undersigned would respectfully submit that while the generous and liberal land policy of the Dominion in the settlement of titles and in the inducements held out to immigrants, has contributed largely to the development of the country and has thereby aided materially in increasing the Customs and Excise revenue, the necessary expenditure of the Province has been augmented without any corresponding revenue, except such temporary grants as has been referred to already in this memorandum. A large proportion of the unoccupied lands within the limits of the Province, has been, or is about to be, set apart, as we understand, for the promotion of railway enterprise, and there therefore now remains no large area of ungranted lands, such as could be utilized by the Dominion for any comprehensive colonization scheme, but sufficient remains to enable the Province, if invested with the management thereof, to secure such an addition to its revenue, as would obviate the necessity of any further demands upon the Dominion.

#### *School Lands.*

In reference to the lands set apart for educational purposes, the Delegates would respectfully submit that the advantages of local knowledge possessed by the Provincial authorities of the relative value of the sections, would enable them to realize the highest possible return that could be secured from the management and sale thereof. The requirements of the Province in respect of education are increasing so rapidly that the Legislative appropriations therefor, will, of necessity, have to be much more liberal than they have been in the past. Nor do they deem it inappropriate or unreasonable that the Provincial authorities should be invested with the administration of the School Lands, as the object for which they are set apart, is purely of a local character and subject to local legislation.

#### 3RD—HALF-BREED GRANT IN ADDED TERRITORY.

On the creation of Manitoba in 1870, provision was made for the extinguishment of the Indian title to the lands in the Province, by setting apart one million four hundred thousand acres to the children of half-breed heads of families then residing in the Province, and by a subsequent provision scrip representing 160 acres of Dominion lands was issued to the heads of families of that class of settlers. There were at that time resident on the confines of the Province, as then territorially defined, a number of half-breed settlers who were not included amongst those entitled to participate in such grant, but who are now residing within the present limits of the Province of Manitoba as extended. The Delegates would respectfully submit that the Government of Canada would extend to them the same liberal treatment as characterized their action to those resident in the Province at the time of its creation.

#### 4TH—APPOINTMENT OF JUDGES.

The business of the Courts of the Province has increased so rapidly that the energies of the present judiciary are taxed to the fullest extent. The undersigned would therefore respectfully suggest that an addition of two County Judges be made to the judiciary of Manitoba, in accordance with the suggestion made by the Right Honorable Sir John A. Macdonald in an interview held on the 22nd January, 1881,

with Justice Miller and Mr. Norquay, of Manitoba. They would further submit that legislation dividing the Provinces into judicial districts has already been enacted by the Legislature of Manitoba.

#### 5TH—THE BOUNDARY QUESTION.

The Delegates would respectfully urge an early determination of the Eastern Boundary of the Province of Manitoba, as provided for by 44 Vic., cap. 14, and would call the attention of the Privy Council to the following clause of a memorandum of the Legislature of the Province on the subject:

“That it is desirable that the boundaries of the Province should be extended eastward to correspond with the line marked as the west boundary of Ontario near the 89th meridian of west longitude. That the requirements of the Prairie portions of the Province could be supplied with the timber of the eastern portion, and a port on Lake Superior would thereby be secured to the Province.”

#### 6TH—REPRESENTATION OF THE PROVINCE AS ENLARGED.

By the Manitoba Act the Province was allowed a representation of two members in the Senate and four in the Commons of Canada. Provision was also made by which an increase of one member in the Senate should take place when the population reached 50,000. In support of increased representation in the Commons, the undersigned would respectfully submit that the Province of Manitoba, prior to enlargement, was entitled by its constitution to a representation of four members in the Commons. By 44 Vic., cap. 14, of the Statutes of Canada, a large portion of the adjoining territory to the east, to the west, and to the north was added to the Province and became a portion thereof. The Delegates would therefore submit that it would only be fair that the added territory should be represented in the Commons of Canada, without interfering with the representation that Manitoba proper was entitled to before the enlargement took place.

#### 7TH—PROSECUTION OF WORK ON PUBLIC BUILDINGS, &c.

The Delegates would respectfully urge upon the Privy Council the energetic prosecution of the work on the Parliament Buildings and Government House in the city of Winnipeg, and also of the erection of a Lunatic Asylum on the confines of the Province as promised in the answer to the memorandum of Messrs. Norquay and Girard, a year ago.

The delegates will be ready at any time to discuss the various matters referred to in the above memorandum, and furnish all necessary information that may be required.

Respectfully submitted,

J. NORQUAY, Provincial Treasurer.

A. A. C. LARIVIERE, Provincial Secretary.

Ottawa, Feb. 7th, 1882.

OTTAWA, 29th March, 1882.

“SIR,—I have the honor to transmit, herewith, in compliance with an address of the House of Commons under date the 15th instant, copies of all despatches between the Governments of Canada and of Manitoba, and of all correspondence between members of such Governments, and of all Orders in Council in reference to the extension of the boundaries of Manitoba and, also, in reference to further grants of money or other aids to that Province, so far, as is on record in this Department.

I have the honor to be, Sir, your obedient servant,

A. M. BURGESS, Secretary,  
Deputy of the Minister of the Interior.

The Under Secretary of State, Ottawa.

*To His Excellency the Right Honorable Sir John Douglas Sutherland Campbell (commonly called the Marquis of Lorne), one of Her Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, and Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor-General of Canada and Vice-Admiral of the same, &c., &c., &c.*

**MAY IT PLEASE YOUR EXCELLENCY,—**

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of Manitoba, in session assembled, humbly approach Your Excellency for the purpose of representing,

That in the opinion of this Legislature the boundries of the Province of Manitoba are too circumscribed, and that the same could be extended easterly, westerly, and northerly with advantage to the Dominion of Canada;

That this Legislature has already, at the suggestion of the Privy Council of Canada, passed an Act to provide for the enlargement of the limit of the Province, 37 Vic., Cap. 2, Statutes of Manitoba;

That the sum placed at the disposal of the Province for the ordinary expenses of Government is utterly inadequate to meet the just requirements thereof.

That in view of a re-adjustment of the financial relations of the Province with the Dominion being made to accord with the census returns of 1881;

This Legislature deems the present a fitting time to respectfully request the Privy Council of Canada to take steps for the immediate enlargement of the Province, and that in connection therewith such terms and conditions shall be granted and made as will be just and equitable, and will enable the executive authorities of the Province to provide for the suitable administration of its affairs and to attend to the various public needs of the community, increased as these are by a rapidly augmenting population.

We, therefore, humbly pray that Your Excellency will be pleased to take such steps as may be necessary to carry out the views of the Legislature.

G. McMICKEN, Speaker.

Legislative Assembly,  
Winnipeg, 14th February, 1880.

*To His Excellency the Right Honorable Sir John Douglas Sutherland Campbell, K.C.M.G., Governor General of Canada.*

**MAY IT PLEASE YOUR EXCELLENCY,—**

I have the honor to transmit for your Excellency's consideration the accompanying petition, from the settlers resident within the Little Saskatchewan District of the North-West Territories; praying Your Excellency to cause your Government to enact such legislation as will extend the western boundary of the Province of Manitoba to the 102nd degree of longitude, so as to include the Little Saskatchewan portion of the North-West Territories within the Province of Manitoba, with a continuation of the restrictions which at present exist upon the manufacture, and sale of intoxicating liquors.

I have the honor, Sir, to be Your Excellency's obedient servant,

R. HARTFORD KENNING.

Prairie City, Little Saskatchewan,  
March, 20th, 1879.

*To the Right Honorable Sir John Douglas Sutherland Campbell, Marquis of Lorne, Knight of the Most Ancient and Most Noble Order of the Thistle, K.C.M.G., Governor-General of Canada and Vice Admiral of the same.*

**MAY IT PLEASE YOUR EXCELLENCY,—**

The petition of the undersigned settlers resident in that portion of the North-West Territories, adjacent and contiguous to the Province of Manitoba, humbly prays,

That the Province of Manitoba be enlarged so as to include the territory lying to the east of the 102nd degree of longitude;

That in enlarging the said Province, provision be made to continue the present restrictions upon the introduction, manufacture and sale of intoxicating liquors within any of the territory where such restrictions at present exist;

That upon the Province of Manitoba being thus enlarged, new counties be formed to the west of the present boundary of the aforesaid Province, and as early as convenient to your Government your petitioners be accorded the right of representation in the House of Commons;

That such legislation be enacted as will enable the territory lying between the present western boundary of the Province and the 102nd degree of longitude, to send six representatives to the Legislative Assembly of the Province of Manitoba, and your petitioners will every pray,

P. St. Clair McGregor,	William Gill,
R. Hartford Keenning,	William Miller,
John McGregor,	William Farrell,
Alex. Halliday,	Simon Cameron,
G. S. McGregor,	William Davis,
Archibald L. McGregor,	Angus Galbraith,
Hugh Gray,	Alex. Bold,
John D. Gillis,	Alex. Bold, jr.,
James Norquay, Tp. 15, R. 18, Sec. 12.	John Bold,
William Muter, Tp. 15, R. 15, Sec. 4.	William Bold,
James Thomas Hall, Tp. 15, R. 14, Sec. 20.	Donald Ross,
John McGillivray, Tp. 15, R. 14, Sec. 32, W.	John Ross,
Hector Kelly,	James Ross,
T. D. Harrison,	Alex. Ross,
James Jermain,	Donald Buchanan,
James Sinclair,	Hugh Buchanan,
Duncan Cameron, Sec. 16, Tp. 17, R. 21, W.	Dugald Buchanan,
Alex. Cameron, Sec. 21, Tp. 15, R. 18, W.	Duncan Buchanan,
Neil Cameron,	John Buchanan,
Dougald Cameron, Sec. 16, Tp. 16, R. 18, W.	John Grahame,
W. H. Craig,	William Cain,
William H. Beckett,	George Balkwill,
James Thompson,	John Honeyman, Sec. 21, Tp. 16, R. 15.
Daniel Buchanan,	James Honeyman, Sec. 22, Tp. 15, R. 15.
Charles Armstrong,	Alfred Dell, Sec. 4, Tp. 17, R. 15.
T. Lawson,	Alfred Chatwin, Sec. 15, Tp. 16, R. 15.
James Crawford,	Peter Inglis, Sec. 20, Tp. 16, R. 15.
Baird Gill,	William Currie, Sec. 25, Tp. 16, R. 15.
Hector McLean,	John J. Walker, Sec. 27, Tp. 16, R. 15.
John Crawford,	Arthur Kilburn, Sec. 16, Tp. 16, R. 15.
Ritchal Cathers,	Edward Winstanley,
Hugh Walker,	R. Balstwist,
Oscar E. Reilly,	James Paton,

John Ralston,  
 John S. McKay,  
 Samuel Adams,  
 Frs. Borlam,  
 M. E. Armstrong,  
 William Burland,  
 Robert Burland,  
 James Todd,  
 Kenneth Murray,  
 Moses Pool,  
 W. A. Priest,  
 W. Doherty,  
 Peter Hay,  
 Morgan Thick,  
 Eli Potter,  
 Jonah Potter,  
 Samuel Packetts,  
 Albert Packetts,  
 James Orr,  
 Geo. Fraser,  
 Charles Robert Krudso,  
 Robert Kyle,  
 W. Henry Beeket,  
 Hugh Harley,  
 Thomas Brown,  
 Adam Watson,  
 William N. Brodes,  
 Fred McNeil,  
 Cunningham Knox,  
 Adam Keoke,  
 A. Connoly,  
 Donald Keppen,  
 Donald Ross,  
 Angus McCallum,  
 T. H. Jackson,  
 S. R. Adams,  
 Robert Watson,  
 Charles Robert Krudson,  
 M. H. Ditch,  
 John B. McPhail,  
 John R. McLean,  
 Charles McLean,  
 James Bray,  
 Robert Wallace,  
 John Caithness,  
 W. Dairs,  
 Alexander Abell,  
 John Abell,  
 James Sutherland,  
 William Todd,  
 Robert Bryce,  
 W. A. Grant,  
 R. Sheffer,  
 John Brine,  
 A. Galbraith,  
 Arthur Mack,  
 John Souster,  
 Neil McIntyre,  
 Peter McBain,  
 Frank May,  
 H. McFadden,  
 John Hulton,  
 Alfred Murton,  
 Andrew Bisset,  
 Adam Watson,  
 Robert Keys,  
 John McLean,  
 J. Charles McLean,  
 John Richardson,  
 James Dick,  
 John Crawford,  
 Richard Manly,  
 Edmund Manly,  
 Robert Manly,  
 John Manly,  
 John McDougall,  
 John Logan,  
 Daniel Campbell, Tp. 15, R. 18, Sec. 30,  
 James Brown, Tp. 15, R. 19, Sec. 36,  
 Allan MacDougall, Tp. 16, R. 19, Sec. 12,  
 John Black, Tp. 18, R. 23, Sec. 21,  
 John Clerk, Tp. 16, R. 19, Sec. 15,  
 John McTavish, Tp. 16, R. 18, Sec. 5,  
 Angus McDonald, Tp. 15, R. 19, Sec. 36,  
 Wm. M. McFavish, Tp. 16, R. 18, Sec. 6,  
 Angus Grant, Tp. 15, R. 18, Sec. 20,  
 John W. Lowe, Tp. 12, R. 15, Sec. 27,  
 Alexander Delmage,  
 Joseph Metcalf,  
 Charles Delmage,  
 Edward Delmage,  
 Thomas Leslie,  
 William Lamb,  
 Peter McCuddie,  
 Samuel Atrill,  
 James Cole,  
 T. Gury,  
 William Pocket,  
 James Brown,  
 W. I. Kyle,  
 Malcolm McLeod,  
 J. H. McDonald,  
 T. A. Henderson,  
 J. L. Walker,  
 Hector McFayden,  
 Donald McFayden,  
 Peter Inglis,  
 Robert McVicar,  
 Arthur Kilburn,  
 Jacob Caithers,  
 John F. Morrison,  
 Robert Bell,  
 John Bell,  
 William Bell,

Simon Cameron,  
 John C. McCormick,  
 George Tooth,  
 John Robertson,  
 L. Gailbraith,  
 J. W. Bare,  
 Elijah Bacon,  
 George Shaffer,  
 George Walton,  
 Richard Walton,  
 John Gunn,  
 William Murdock,  
 Samuel Boyd,  
 W. E. Boyd,  
 W. M. Webb,  
 Donald McEwan,  
 Robert Culley,  
 William Small,  
 John McKay,  
 Joseph Hopkins,  
 Thomas Follow,  
 James M. Young,  
 Arthur Smithe,  
 Sifton Wilson,  
 W. J. Ptolery,  
 William Jacks,  
 Alex. McBain,

Alex Keppen,  
 Donald Grant,  
 J. M. Young,  
 John Hogg,  
 Hugh McKeown,  
 I. B. Sinclair,  
 Donald McBain,  
 John Brown,  
 Robert Brown,  
 R. Muir,  
 Joseph Muir,  
 W. M. Gray,  
 Neil Stewart,  
 John McKeller,  
 R. McKeller,  
 A. L. Sinclair,  
 Archibald Campbell,  
 Hugh Borme,  
 William P. Reed,  
 Neil Macallum,  
 Samuel Porson,  
 James Thompson,  
 Thomas Borrow,  
 Joseph Metcalf,  
 Thomas Anderson,  
 Andrew Robb,  
 William Anderson.

LITTLE SASKATCHEWAN P.O., 26th June, 1879.

SIR,—On the 28th of January last I had the honor of forwarding a petition to you from one of the principal settlements in the North-West Territory, respecting various matters, and in your reply, No. 16,839, dated the 27th of February, we were led to believe some kind of an answer would have been sent us by this time, and, as none has arrived, I am requested again to bring this matter before you. For since that period some of the Manitoba people have sent a petition to the Government asking extension for the said Province, and pretend it to be from here, contrary to the wishes of the people on the Little Saskatchewan.

I have the honor to be, Sir, your obedient servant,

C. M. CAMERON.

Hon. Minister of the Interior, Ottawa.

LITTLE SASKATCHEWAN, P.O.,  
 NORTH-WEST TERRITORY, 28th January, 1879.

SIR,—I have the honor to forward the enclosed petition, and I hope you will kindly consider the same and see the great necessity that exists in this part being represented in the Government of the country, as at present we have no representation of any kind, and this retards the settlement of the country, and if we are to be left subjected to the honorable the Nominee Government of the North-West Territory, without representation, it will effectually put a stop to the country being located, and will be the cause of some of the present settlers leaving the country. Besides the present seat of Government is unknown, being about 600 miles west of this.

I have also the honor to bring to your notice a great hardship and drawback to the settlement of this country, viz., new settlers are not allowed to cut any timber on

Government lands for fencing or for building a house. The interest of this country demands it, and I hope your Government will grant permission to all new settlers for two years to cut such a small quantity of timber as he may require for building a little house and for fencing a few acres of land.

I have the honor to be, Sir, your obedient servant,

C. M. CAMERON.

Sir JOHN A. MACDONALD, Minister of the Interior, Ottawa.

The petition of the undersigned settlers and landowners, residing on and near the Little Saskatchewan River, North-West Territory,

Humbly sheweth, that your petitioners are informed by report, an attempt is now about being made, by the Provincial Government of Manitoba, to apply to the Dominion Government for extension westward of the Province boundaries to the Little Saskatchewan River;

That your petitioners are all opposed to such extension, or to any extension whatever westward of the present limits of that Province, and views with alarm the Provincial system of selling poisonous alcohol to the Indians, as practised by that Province;

That the Provincial Government of Manitoba, retard the settlement of their own Province, for the want of roads and bridges, and by various local laws and reservations, and the ninety thousand dollars subsidy per annum from the Dominion Government to the Province is utterly a waste of public money, as not one cent of it is expended in opening up the Province, or the North-West Territory;

That a Government that requires such a large subsidy, without making railroads, roads or bridges in such a rich Province, are, both morally and physically, a drag against the development of the resources of the North-West, and whilst thus unable to develop the resources of their own Province, we fear like system would retard the development of this great and good country, and therefore we respectfully request the Dominion Government, not to grant such extension westward, as now desired by the Provincial Government of Manitoba;

That your petitioners respectfully request the Dominion Government, to bridge the Little Saskatchewan River, and few other dangerous creeks, on the present mail route, from Winnipeg to here, and westward;

That your petitioners would also bring to your notice, the just claim that exists in this part of the North-West Territory, being represented in the Dominion Parliament, and also in the Council of the North-West Territory. This will meet the views of the people for a year or two, and until it becomes a new Province;

That a weekly mail is needed very much from Winnipeg to the Little Saskatchewan River post-office;

That your petitioners are all anxious respecting the Canadian Pacific Railway, and hope the original line south of Manitoba Lake will be made, as approved by your own Government, at the then period. This being the shortest and less expensive in construction; the land is all good, and people are locating fast, and no danger from flood or snow, and the gradients are easy on the fourth correction line;

Whereas the North Route (known as Fleming and MacKenzie), has many drawbacks, namely the breadth and depth in crossing the narrows of the Manitoba Lake, resting on a shifting subsoil of sand, and in April and May this part is submerged, and becomes a vast inland sea for a short period. The route is longer and colder, and the land is not so good, with more snow, and no settlers besides the swampy alkali nature of the soil, has been the cause of it not being located like the south and west.

Respectfully requesting your kind consideration, and order to be done what you may deem right or just, and your petitioners, as in duty bound, will ever pray,

C. M. Cameron,  
R. A. Cowan,

Malcolm J. Murchison,  
Patrick Burns,

Hall Jackson,  
 T. H. Jackson,  
 C. J. Johnson,  
 William Gibson,  
 Samuel Gibson,  
 Stewart Gibson,  
 James Jackson,  
 Joseph Lowry,  
 Duncan McLeod,  
 Thomas R. Jackson,  
 John Jackson,  
 Thomas Jury,  
 Alexander Porter,  
 Peter M. Cudhie,  
 James Proven,  
 James Cudhie,  
 Thomas Pollon,  
 John Cudhie,  
 James H. Cole.  
 Thomas Walsh,  
 Capt. G. M. Maunsell,  
 Samuel Boyd,  
 Archibald McDougall,  
 Neil Murchison,  
 Donald McDougall,  
 James McPherson,  
 Hugh McPherson,  
 Kenneth Murchison,  
 Malcolm K. Murchison,  
 William Murchison,  
 John Wilson,

Peter Blatchford,  
 Alexander Moynes,  
 James Miller,  
 William Yale,  
 John Logan,  
 Thomas Logan,  
 James Yeoman,  
 George Campbell,  
 Hugh H. Sanderson,  
 Thomas Crawford,  
 William Boyd,  
 Fred. L. Shaver,  
 J. McKinnery,  
 James Halliday,  
 William Abel,  
 Edward Delmage,  
 John Souster,  
 Thomas Ryan,  
 J. H. Inkster,  
 N. H. Bingham,  
 John H. Reid,  
 Robert Anderson,  
 H. G. Henderson,  
 Charles Millham,  
 George Sanderson,  
 James Sinclair,  
 T. D. Harrison,  
 Henry J. Jones,  
 W. H. Gosbutt,  
 Morgan Thick,  
 John Buchanan.

The Hon. Sir John A. Macdonald, Minister of the Interior, Dominion of Canada.

#### MEETING AT RAPID CITY, LITTLE SASKATCHEWAN, NORTH-WEST TERRITORIES.

1st. A public meeting of the inhabitants of Rapid City and vicinity was held at the store of Messrs. Garrett and Ferguson, on the afternoon of Saturday the 4th instant, for the purpose of obtaining the views of the settlers with reference to the proposed extension of the boundary of Manitoba westward. Mr. A. R. McDougall was appointed Chairman, and Mr. Peter Ferguson Secretary.

The following resolutions (which were supported by the movers and seconders, and others in vigorous and energetic speeches) were carried unanimously:—

Moved by Mr. McDougall and seconded by Mr. Borland,

That whereas the people of the Province of Manitoba, are agitating, through the public press and otherwise, to have the boundary of the said Province extended further westward,

Resolved, That we most earnestly protest against the extension of the boundary of the said Province, any further west, and against our being annexed thereto.

2nd. Moved by Mr. Martin and seconded by Mr. Kilburn,

That when we selected our homesteads in the North-West Territory (away from churches, schools, mills, and the many other advantages which we might have enjoyed, had we settled in the Province of Manitoba, we were mainly influenced by the fact, that we were settling in a part of the country where the traffic in spirituous liquors was strictly prohibited.



3rd. Moved by Mr. Paton and seconded by Mr. Burland,  
That it would be unfair, and unjust to force us now into a Province in which the manufacture and sale of spirituous liquors is freely permitted, thereby exposing our families and ourselves to the very evil we sought to evade in coming to this Territory.

4th. Moved by Mr. Garrett and seconded by Mr. Johnson,  
That to permit the manufacture, sale or traffic in intoxicating liquors in this Territory, would be disastrous to its best interests, would demoralize and degrade the Indian population, would seriously endanger the peaceful relations that exists at present betwixt the white settlers and the Indians, and thereby render unsafe the lives and property of the white settlers, and as a consequence, impede the settlement and progress of the country.

5th. Moved by Mr. McCusker and seconded by Mr. Peter Garrett,  
That a humble petition in accordance with the foregoing resolutions, be forwarded to His Excellency the Governor General in Council and to both Houses of Parliament, praying that any Bill which may be introduced into either House, having for its object, the extension of the boundary of the Province of Manitoba westward, may not pass.

6th. Moved by Mr. Shanks and seconded by Mr. Ferguson,  
That a Committee be appointed to confer with the different settlements in the Little Saskatchewan district, with a view to having the said settlements erected into a provisional district for municipal and school purposes.

7th. Moved Mr. Kilby and seconded by Mr. Near,  
That we, the residents of Rapid City and surrounding country, do suffer great loss and inconvenience by the present mail arrangement, and hope the Government may soon see fit to grant us a weekly mail and post office, to which from the large amount of mail matter, sent from and received at this place, we feel we are fully entitled.

8th. Moved by Mr. Kilby and seconded by Mr. Gilpin,  
That copies of the resolutions passed be forwarded for insertion to the *Battleford Herald*, *Free Press*, *Standard*, *Toronto Globe* and *Mail*, and also, that copies be sent to Lieut.-Governor Laird.

RAPID CITY, 4th January, 1879.

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#### LITTLE SASKATCHEWAN, N. W. TERRITORY.

SIR,—At a meeting of the settlers of the Little Saskatchewan District, N. W. T., held at the residence of Mr. A. Jaffrey on the 20th of September, 1878, Alexander Jaffrey, Esq., J.P., was appointed Chairman, and R. A. Cowan Secretary.

It was moved by Mr. John Norquay, seconded by Mr. Alexander Cameron, that the resolutions passed by the settlers of the Riding Mountain and Beautiful Plain Districts, N. W. T., be endorsed by this meeting, which is as follows:—

That the settlers of this District, understanding that it is the intention of this Dominion Government to extend the limits of the Province of Manitoba westward, solemnly protest against being incorporated with that Province, on the ground that they have taken up homesteads in the North-West Territory in the belief that the entrance of strong liquors would be forever utterly prohibited, and they are averse to being incorporated with a Province in which the liquor trade is authorized.—  
Carried.

Hoping you will use your influence in favor of the many settlers of this North-West,

I remain, your humble servant,  
R. A. COWAN, Secretary.

Hon. Minister of the Interior.

GOVERNMENT HOUSE, FORT GARRY, Man., March 2nd, 1877.

SIR,—I have the honor to enclose you, for the information of the Privy Council and yourself, two certified copies of Acts passed by the Legislature of Manitoba, and which I sanctioned at the prorogation yesterday.

1st. The first, relating to the boundaries of the Province, has been passed in compliance with your views as embodied in your despatch of 16th February last, and, as you will observe, consents to the alteration of the boundaries, but stipulates that the unsurveyed portions of the eastern and northern boundaries shall be surveyed. These amount, I believe to about one hundred miles.

2nd. The second deals with the half-breed claims.

It leaves transactions covered thereby to be regulated by the Act of Manitoba of 1873, 37 Vic., Cap. 44, and it does not interfere in any way with transactions between the 27th February, 1874, and the coming into force of the present Act.

The Act provides that any sales of these lands after the 1st of July next shall be valid.

I trust that before that period the allotments of these lands will have proceeded towards completion, and those drawn will have been announced.

I may advise you that the drawings in those parishes where there is no cause for interruption, are being proceeded with under my supervision from time to time as the Dominion Land Agent can make it convenient in connection with his other duties to attend at my office for the purpose.

The following parishes have been drawn for :—

Kildonan.  
Portage la Prairie,  
St. Laurent,  
St. Johns,  
St. Ann,

and the drawing for Headingly is now being proceeded with.

I have the honor to be, Sir, your obedient servant,

ALEX. MORRIS, L. G.

Hon. Secretary of State, Ottawa.

22nd February, 1879.

Passage of Bill will not be held to change present condition of Province, as regards possible chances of future enlargement.

D. MILLS.

(By Telegram from Winnipeg, Manitoba.)

To Hon. R. A. DAVIS, Winnipeg.

OTTAWA, February 21st, 1877.

Have introduced Bill; Council and Legislature understand boundaries only temporary, and not to effect contemplated enlargement of the Province.

R. A. DAVIS.

To Honorable DAVID MILLS, Minister of Interior.

(By Telegram from Winnipeg, Manitoba.)

OTTAWA, 20th February, 1877.

Bill received. We can only pass consulting measure to your repeal. Council will modify accordingly, but unsurveyed portion of eastern and northern boundary, in all ninety-nine miles, must be completed to render Bill effective, and we stipulate for that.

R. A. DAVIS.

To Hon. DAVID MILLS, Minister of Interior.

Please correct Bill sent you, in following particulars: Substitute 12th Range, West, for 11th Range, West, wherever latter occurs.

DAVID MILLS.

To Hon. R. A. DAVIS, Winnipeg.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 12th February, 1877.*

On a Memorandum, dated 10th February, 1877, from the Hon. the Minister of the Interior, reporting that in order to carry out the provisions of Section 18, of the Act 37 Vic., Chap. 19, it is expedient to effect a readjustment of the boundaries of the Province of Manitoba;

That by the Act 33 Vic., chap. 3, the boundaries of the said Province were declared to be the ninety-sixth meridian west of Greenwich on the East; the ninety-ninth meridian on the west; and the parallel of fifty degrees and thirty minutes north latitude on the north; the southerly limit being the international boundary or forty-ninth parallel of north latitude;

That the boundaries so declared have not been defined on the ground, and in view of the possible extension thereof, it is not thought desirable to incur the considerable expense which would be involved in such a measure. That, moreover, the present boundaries, if surveyed, would operate most inconveniently, as the same would throughout intersect irregularly the sections and quarter-sections as surveyed and proposed to be patented, thereby involving the necessity of double registration;

That, under the circumstances, and as a measure intended to meet the necessities of the case, he recommends that in accordance with the provisions of Section 3 of the Imperial Act 34 and 35 Victoria, chap. 28, legislation be obtained repealing the existing provisions respecting the boundaries, and establishing in lieu thereof certain limits which may be described in general terms as follows (the same being known township boundaries in the system of survey of Dominion lands) that is to say:

On the east, the line between the tenth and eleventh ranges east of the principal meridian; on the west, the line between the twelfth and thirteenth ranges west of the principal meridian; and on the north, the line between townships seventeen and eighteen; the international boundary remaining as before the southern boundary of the Province.

He suggests, therefore, that the Government of Manitoba be invited to obtain the consent of the Local Legislature with the view to a re-adjustment of the boundaries of the Province, as herein proposed.

The Committee submit the above recommendation for Your Excellency's approval.

Certified,

W. A. HIMSWORTH, C. P. C.

Hon. Minister of the Interior.

13th February, 1877.

Both boundaries to be moved west, in each case on to nearest Township line. East boundary to be line between 10th and 11th Ranges east of meridian. West boundary to be line between 12th and 13th Ranges west. Better introduce Bill in blank, and await, if possible, receipt of measure, mailed last Friday, as language must be same in both.

DAVID MILLS.

To Hon. R. A. DAVIS, Winnipeg.

9th February, 1877.

Purport of Act set forth in message of yesterday. Copy of Bill sent by mail to-day.

DAVID MILLS.

To Hon. R. A. DAVIS, Winnipeg.

February 9th, 1877.

I see no objection to your proposal. Will seek approval of Legislature. Fear Bill will not reach here in time. Telegraph its purport.

R. A. DAVIS.

To Hon. D. MILLS, Winnipeg, Man.

February 8th, 1877.

The boundaries of Province fixed by Manitoba Act were never surveyed. It is now proposed as a temporary measure, to prevent possible clashing of jurisdiction in registration and other matters, to pass short Bills, establishing certain known lines as boundaries, as follows: For west boundary line, between 12th and 13th Ranges; for east boundary line between 10th and 11th Ranges; for north boundary line between Townships 17 and 18. If your Legislature consents (see Act 34 and 35 Vic., chapter 28) will transmit Bill with reply.

DAVID MILLS.

To Hon. R. A. DAVIS, Winnipeg.

*Extract of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency, the Governor General in Council, on the 8th April, 1880.*

The Committee have had under consideration a Report submitted by the Sub-Committee of Council, to whom was referred the memorandum dated 20th March, 1880, of the Delegates of the Province of Manitoba, appointed to confer with the Privy Council of Canada in relation to the following subjects:

\* \* \* \* \*

2. Withdrawal of Capital.

3. Enlargement of the Provincial Boundaries.

\* \* \* \* \*

8. The settlement of claims made by certain parties to lands, as being held previous to transfer to the Dominion.

\* \* \* \* \*

The Committee concur in the Report of the Sub-Committee and submit the same for Your Excellency's approval.

Certified,

J. O. COTÉ, C. P. C.

The Hon. the Minister of the Interior.

*Extract from the Report of the Sub-Committee.*

\* \* \* \* \*

2. The withdrawal of Capital—

The undersigned recommend for the reasons stated in the memorandum of the Delegates, that the Province of Manitoba be allowed to withdraw one hundred thousand dollars of the capital authorized for it under the terms of the union with the Dominion, such withdrawn capital to be applied, as suggested by the delegates, "to provide at once for a system of drainage for the reclamation of marsh lands, and to protect lands (usually considered dry) from the overflow of marshes"—the plan and system of drainage to be approved of by the Dominion Government.

And as regards lands belonging to the Dominion now submerged, and which may be drained by the system contemplated by the Province of Manitoba, the undersigned recommend that, in all cases where the Minister of the Interior is satisfied that a township of land in Manitoba, belonging to the Dominion Government, is useless by reason of the lands being submerged, but which, if drained, would form agricultural lands, he shall certify the same to the Government of Manitoba, and that if such township is thereupon included in the system of drainage approved of by the Dominion Government, and is in consequence rendered available for sale, the Dominion Government should make a free grant to the Province of Manitoba of the even-numbered sections of land within the township in question, with the exception of those even-numbered sections that are Hudson's Bay or School Lands.

3. Enlargement of the Provincial boundaries. This question is, with the consent of the delegates from Manitoba, postponed for consideration during the recess.

3. The claims referred to are those of parties who held lands in Manitoba previous to the transfer of that Province to the Dominion and are known as "Stake" claims, being lands held in nominal possession, only verified by the driving of stakes at the angles, as the Sub-Committee understand, according to a custom subsisting in the Red River Settlement (now Manitoba) anterior to the Union.

This custom although tolerated in the Red River Settlement, was used with reference to hay and other outlying lands, and, upon the question being submitted to the Minister of Justice, that officer was of opinion that the claims were illegal and could not be recognized, the facts not constituting occupation in the meaning of the Manitoba Act.

\* \* \* \* \*

The whole respectfully submitted.

A. CAMPBELL, Chairman.  
J. H. POPE,  
G. BABY.

Privy Council, 8th April, 1880.

## RETURN

(83)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For copies of all Instructions to, and Correspondence with, the Commissioners on Factories, including Instructions and Correspondence as to information and enquiries on other points than those on which their Report, laid on the Table touches, and copies of all further Reports made by them. For the detailed Statements in possession of the Government, showing as to 460 Factories, from which information was obtained last fall.

a) 1. The locality and nature of business of each of the 95 new Factories said to have been established since March, 1879.

2. The number of hands employed in each, distinguishing between adults and children, and males and females; the number in each employed at piece work and their remuneration; and the number employed at wages and the rate of wages and the hours of labor.

(b) 1. The locality and nature of business of each of the 365 Factories said to have been established previously to March, 1879, and to be still in existence.

2. The number of hands employed in each of these Factories in 1878, with the information before mentioned as to sex and age, piece work, wages and hours of labor.

3. The number of hands employed in each of these Factories in 1881, with the information before mentioned as to sex and age, piece work, wages, remuneration and hours of labor.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
13th March, 1882.

*Secretary of State.*

FINANCE DEPARTMENT, OTTAWA, June 20th, 1881.

SIR,—I have the honor to inform you that I have this day reported to Council the desirability of making enquiries relative to the regulations of workshops, mills and factories in the Dominion of Canada, in accordance with the promise made to Dr. Bergin, the member for Cornwall, during the last Session of Parliament, by the Honorable the Minister of Public Works, and I have recommended that the enquiry

shall be entrusted to you, and that there should be associated with you as Assistant and Secretary, Mr. A. H. Blackeby, of Galt, and that the rate of remuneration should be five dollars per diem with all necessary living and travelling expenses.

I have the honor further to inform you that the enquiries should be set about speedily in order that the Government may have the necessary information, and be in a position to prepare a Bill if thought advisable to lay before Parliament when it re-assembles. An advance of \$300 will be made to yourself and Mr. Blackeby to cover your necessary travelling and living expenses for which you will account at the conclusion of your labors.

I have to request that you will direct your attention specifically to the following heads:—

1. Have any accidents occurred during the past five years, and, if so, the cause and extent.
2. What provisions are made for escape in case of fire, and also what for extinguishing fires.
3. The number of children of each sex under ten years of age employed.
4. The number of children of each sex between ten and fourteen years of age employed.
5. The number of females over fourteen years of age, giving number of married and unmarried employed.
6. The number of males over fourteen years of age employed.
7. The hours of labor, and if beyond sixty per week, how many?
8. The number of hours allowed for meals, and what proportion of meals is taken on the premises?
9. Is the half holiday on Saturday generally allowed?
10. What portion of the time do children under fourteen years of age attend school?
11. What number of persons sleep in the factories, their sex and accommodation?
12. How are the hands employed, by day or piece work?
13. What system of insurance, or aid in case of sickness or accident is in existence, if so, how provides?
14. The amount and kind of work done on Sundays, with the number of employees engaged?

Incidental to the same subject, I have to request that you will procure information on the following heads:—

1. The general health of the operatives.
2. The measures taken for the prevention of accidents to the operatives by the working of the machinery.
3. The overcrowding of factories.
4. The escape of steam and damping of factories thereby.
5. The ventilation of factories.
6. The temperature of certain factories.

I have to request that you will set about your enquiries as soon as possible, and that you will prepare as brief and concise a Report consistent with affording the information required, not only on the above heads, but also on any other matters which you may consider germane to the enquiry, and which may be of value and assistance to the Government.

I have, &c., &c.,

S. L. TILLEY, Minister of Finance.

WM. LOUCKS, Esq., Ottawa.

FINANCE DEPARTMENT, Ottawa, 20th June, 1881.

SIR,—Referring to my letter of even date with this, I have to request that in addition to the points therein mentioned you will obtain information on the following:—

1. When was the factory established?

2. What were the numbers employed in January, 1879, and the numbers now employed?

3. Have the wages increased or decreased since January, 1879, and if either, what percentage?

4. How do present prices compare with prices of goods manufactured previous to 1879:

I have, &c.,

S. L. TILLEY, Minister of Finance.

WM. LOUCKS, Esq., Ottawa.

In accordance with your letter of instruction, we have the honor to submit, for your information, the following supplementary report, containing the figures with reference to the state of wages, prices of goods, new factories and increased number of hands in the old established factories since the fall of 1878.

It will be observed by the figures that there has been a general increase in the number of hands employed in all branches of manufacturing industries, but that the glass, cotton, woollen, organ and piano works show the largest proportionate increase.

It must, of course, be understood that the list of new factories mentioned on page four does not represent the whole of the factories which have been started in the Dominion during the past three years; the ninety-six alluded to are simply those which have come under our observation during the course of the investigation; there are others located at places which we did not visit, and we have reason to believe there are some others in places which were visited by us.

In our visits to the various places we found many buildings in the course of construction to be used as factories, amongst others we may mention that cotton factories are being erected in each of the Provinces, the full statistics with reference to this industry will be found on page fourteen. A large factory was about completed at Coaticook to be used as a beet sugar works during a portion of the year, and in refining cane sugar when the crop of beets had been worked up. A very fine brick building was just completed at Campbellford, and is now in full running order, giving employment to 125 hands in the manufacture of woollen goods.

We found in Nova Scotia that the coal mines were doing a satisfactory business, the managers and miners feeling satisfied that their interests were being carefully considered by the Government. In connection with this we may say that Nova Scotia coal is being used by manufacturers along the line of the Grand Trunk Railway as far west as Cobourg and Guelph; the coal is said by those who use it to be a more economical fuel than any which they had previously used.

Some conversation was had with the proprietor of a foundry at Charlottetown, who was greatly enlarging his premises, and he reported that orders for machinery to be used in manufacturing industries were coming in faster than he was able to supply the demand.

The new factories are scattered over the whole section covered by our tour, each Province participating in the general revival of trade.

The number of new factories is as nearly as possible one-fifth of the whole, so that twenty per cent. of the works visited were started since September, 1878.

We were unable to get the increased number of hands in all the older factories visited, but we have ascertained the increase in a sufficient number of cases to give a basis, the table on page six will be found approximately correct.

We have the honor to be, Sir, Your obedient servants,

WM. LOUCKS,  
A. H. BLAKEBY.

Hon. Minister of Finance.



Number and kind of new factories started since 1878 :

Knitting.....	7	Lamp goods.....	1
Nut and bolt.....	2	Hats.....	1
Knitting needle.....	1	Blankets.....	3
Tobacco.....	2	Cork.....	1
Barb wire.....	1	Envelope.....	1
Foundries.....	3	Shirts.....	2
Furniture.....	3	Cotton.....	4
Woollen.....	7	Clocks.....	1
Paper boxes.....	2	Metal plated ware.....	2
Boots and shoes.....	3	Iron bridges.....	1
Clothing.....	1	Glass.....	3
Buttons.....	3	Emery wheels.....	1
Organs.....	3	Sugar.....	5
Paper mills.....	3	Files.....	1
Boilers.....	1	Canning.....	2
Cigar boxes.....	1	Silk.....	2
Childrens carriages.....	1	Pianos.....	4
Paint.....	1	Corsets.....	1
Salt drying.....	1	Picture frames.....	4
Window shades.....	1	Potteries.....	2
Locks.....	1	Brush.....	1
Caps.....	1	Slippers.....	1
Gloves.....	1		
Mill furnishings.....	1	Total.....	96
Planing mill.....	1		

The number of hands employed at these new factories is 7,242, divided as follows:—

Foundries.....	358	Manufactures of iron.....	469
Furniture factories.....	73	Tobacco factories.....	169
Cotton do.....	700	Glass and potteries.....	833
Organ and piano do.....	207	Sugar refineries.....	918
Boot and shoe do.....	506	Articles of clothing.....	612
Woollen and knitting do.....	1,045	Miscellaneous.....	993
Manufactures of paper.....	175		
do wood.....	179	Total.....	7,242

Percentage of increase in the number of hands employed in factories which were in existence prior to September, 1878:

In foundries the increase has been.....	14 per cent.
Furniture factories do.....	20 do
Boot and shoe do do.....	11 do
Organ and piano do do.....	28 do
Cotton do do.....	30 do
Woollen and knitting do.....	19 do
Tobacco and cigar do.....	7 do
Clothing do.....	14 do
Glass and pottery works do.....	25 do
Rope, flax and brush do do.....	11 do
Manufactures of paper do.....	10 do
do wood do.....	10 do
do iron do.....	16 do
Miscellaneous manufactures do.....	23 do

We give in detail further on the state of nearly all the factories in one city, two towns, and two villages, which were gone through more thoroughly than most of the other places visited.

Comparison of the prices of manufactured goods between January, 1879, and the date of our visit in 1881:

Number of factories that have made no change in price of goods	322
Factories that have increased by.....	25 per cent. 2
do do .....	20 do 4
do do .....	15 do 1
do do .....	12 do 1
do do .....	10 do 18
do do .....	7½ do 1
do do .....	5 do 18
Factories that have decreased by.....	25 do 3
do do .....	20 do 3
do do .....	15 do 5
do do .....	10 do 11
do do .....	5 do 25
Number from which we got no information.....	13

The increase in most of the factories was stated to be on account of an advance in the price of their raw material.

Comparison of the state of wages between January, 1879, and the date of our visit in 1881:

Number of factories where wages have remained the same....	135
Factories started since January, 1879, and made no change...	50
Factories showing increase of .....	35 per cent. 3
do do .....	33 do 2
do do .....	30 do 9
do do .....	25 do 21
do do .....	20 do 42
do do .....	17½ do 1
do do .....	15 do 66
do do .....	12½ do 5
do do .....	10 do 93
do do .....	8 do 4
do do .....	5 do 31
State of wages not given.....	4
Factories showing decrease. ....	none.

#### TORONTO.

Statement of new factories with the number of hands employed in each

	Hands.
Foundry, Patterson & Rabjohn.....	28
Universal Knitting Co.....	55
Piano, Heintzman.....	25
Dominion Paper Box Co.....	75
Piano Key Boards, Wagner, Leidler & Co.....	24
Picture Frames, Bestherwick & Co.....	12
*Massey Manufacturing Co.....	200
Russel Furniture Co.....	28
Picture Frames, Wm. Dooling.....	22

\* The Massey Manufacturing Company moved up from Newcastle, but we were informed that while in that village they only gave employment to some 40 or 50 hands.

Organ Reeds, Aug Newell & Co.....	18
Plating Metal, G. V. Martin.....	12
Toronto Iron Bridge Co.....	130
Window Shade Co.....	12
Planing Mill, Elliott & Co.....	35
Picture Frames, Ellison & Co.....	18
Caps, Basted & Co.....	60
Cork Factory, Frizoning.....	12
Emery Paper, Lamb & Co.....	10
Boots and Shoes, Childs, Charlesworth & Co.....	86
York Envelope Factory.....	13
Corsets, Telfer & Harold.....	100
Pianos, Newcombe & Co.....	32
Ontario Steel Barb Fence Co.....	10
Dominion Bolt Works.....	180
Mill Furnishings, Barton & Co.....	30
Clothing, Gray & Co.....	50
Canning, A. B. Dunning & Co. (this is during the canning season only).....	300
<b>Total.....</b>	<b>1,577</b>

## TORONTO.

Increased number of hands in some of the old factories since January, 1879:—

	Number of additional hands.
Pianos, Mason & Risch.....	30
Dominion Saw Works.....	25
Organs, Daniel Bell & Co.....	23
Crompton Corset Co.....	280
Brushes, Broeck & Son.....	10
Consolidated Purifier Co.....	10
Furniture, Robert Hay & Co.....	100
St. Lawrence Foundry Co... ..	25
Ontario Steam Gauge and Brass Works.....	25
Picture frames, Ewing & Co.....	10
Book binding, Brown Bros.....	32
Show-cases, Millichamp.....	16
Trunk Factory, Clark.....	100
Confectionery, Park & Co.....	10
Dominion Tin Stamping works.....	50
Foundry, John Doty.....	15
Knitting Factory, Jos. Simpson.....	55
<b>Total .....</b>	<b>816</b>
Add number in new factories.....	1,577
<b>Grand Total.....</b>	<b>2,393</b>

*Wages Earned.*

1,402 men, at an average of \$8.00 per week.....	\$11,216
886 females do do \$3.50 do .....	3,101
105 boys and girls do do \$2.00 do .....	210
<b>Total weekly wages.....</b>	<b>\$14,527</b>

Making the amount paid out for additional hands in Toronto in one year, \$755,494.

## GALT.

Comparison of hands employed and wages paid, showing the difference between January, 1879, and date of visit in 1881.

	1879.	1881.	Increased wages, per cent.
Shurly and Dietrich, saw works.....	24	60	25
Ellis & Godfrey, woollen factory .....	35	35	15
Cowan & Co., foundry .....	30	60	17½
Warnock & Co., edge tools.....	43	85	25
Perry & Cook, carriage wood work .....	19	27	15
Cant, Gourlay & Co., foundry.....	36	36	15
Goldie & McCulloch, foundry.....	165	225	10
McDougall & Co., foundry .....	8	16	25
Young & Co., glove works.....	15	25	same
Turnbull & Co., underclothing.....	25	40	do
Wardlaw & Sons, woollen yarns.....	17	45	do
Galt Knitting Company .....	none	80	
Beck Bros., cigar boxes.....	do	17	
Total .....	419	751	

An increase of 332 hands.

## DUNDAS.

Comparison same as above.

	1879.	1881.	Increased wages, per cent.
Grinrod & Co, knitting .....	10	16	15
McKechnie & Bertram, foundry.....	70	112	12
John McKay, cotton warp .....	20	55	15
Dundas Cotton Mills .....	475	525	10
Leonard & Sons, knitting .....	none	100	
Canada Screw Company .....	do	95	
Total .....	575	903	

An increase of 328 hands.

## [ VILLAGE OF HAMBURG.

Comparison same as above.

	1879	1881	Increased wages, per cent.
Charles Woods, woollen factory.....	7	14	20
M. S. Wagenast, furniture.....	4	20	15
Thomas Woodcock & Co., woollen factory .....	none	29	
A. Witte & Co., knitting factory.....	do	38	
Total .....	11	101	

An increase of 90 hands.

## VILLAGE OF HESPELER.

Comparison same as before.

	1879	1881	Increased wages, per cent.
Forbes & Co., woollen factory .....	105	127	10
Hespeler Manufacturing Co., woollen mill.....	none	150	
do do do cotton factory....	do	250*	
Total.....	105	527	

An increase of 422 hands.

STATEMENT of the number of hands directly employed at sugar refining:—

St. Lawrence, Montreal .....	320
Redpath's, do .....	350
Nova Scotia, Halifax.....	150
A. Jones', do .....	33
Moncton, N.B.....	60
Coaticook, not in operation when our visit was made, but since started.....	200
Total .....	1113

Comparison of number of hands employed at cotton factories in 1878, in 1881, and in new factories which will be completed during the present year:—

	1878.	1881.	1882.
Dundas .....	475	525	525
Canada, Cornwall.....	425	575	575
Merritton .....	70	95	95
Valleyfield .....	400	540	790
Lybster.....	180	220	220
St. John, N.B.....	300	410	560
Hudon, Montreal .....	300	1000	1600
Brantford .....	...	120	120
Coaticook.....	...	225	225
Stormont, Cornwall.....	...	225	675
Hamilton.....	...	125	125
Kingston .....	...	...	250
Hespeler.....	...	...	250
Hamilton .....	...	estimated	300
St. Henri.....	...	...	400
Halifax.....	...	...	450
Windsor, N.S.....	...	...	300
Moncton, N.B.....	...	...	300
St. Stephen, N.B.....	...	...	450
St. John, N.B.....	...	...	400
Totals.....	2150	4060	8610

In all an increase of 6,460 hands in 1882 over 1878.

In addition there are factories projected at Sherbrooke, Three Rivers and Lachute.

\* This is not yet in full running order.

## RETURN

(84)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882:—For a Copy of all Statements in the possession of the Government showing in detail, the cost of specified brands of like qualities of Canadian and Foreign Brown and White Cottons, with dates and other particulars.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
14th March, 1882.

*Secretary of State.*

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## RETURN

(85)

To an ADDRESS of the SENATE, dated the 24th February, 1880:—Praying His Excellency the Governor-General to be pleased to cause to be laid before this House copies of all correspondence between any Department of the Government of Canada and Senator Fabre, together with the amount of compensation paid him for travelling and other expenses to the present time.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th February, 1882.

*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]*

## RETURN

(86)

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1882:—For a detailed Statement showing the Amounts paid for the Meteorological Service of Canada, during the years 1877, 1878, 1879, 1880 and 1881.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
14th March, 1882.

*Secretary of State.*

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## STATEMENT

(87)

Of Affairs and List of Shareholders of the British Canadian Loan and Investment Company (Limited), on the 31st December, 1881, in compliance with the Act 43 Victoria, Chapter 43.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Return and Statement are not printed.]*

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## RETURN

(88)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882:—  
For (1.) Copies of the Evidence taken and the Report made by Post Office Inspector Dewe, about 1880, on the defaults and irregularities in the London Post Office, and of any Departmental action thereon, of the Reports and Order in Council as to the superannuation of the late Postmaster, and the appointment of the present Postmaster.

(2.) Copies of the Evidence, Correspondence, Reports and Orders in Council or Departmental action on which Scott Phipps, a Clerk in the London Office, was dismissed about 1875, and of all Papers relating to his subsequent reappointment to office, Copies of Correspondence and Statements as to the loss or disappearance of registered and other Letters in the office within the last twelve months; and as to the action of the Divisional Inspector in suspending Phipps, and the Evidence taken and the Report made by him thereon; of all Correspondence relating to that suspension; of the Departmental direction to Inspector Dewe, and the Evidence taken and Report made by him thereon; of the Departmental direction to Post Office Inspector Sweetman, the Evidence taken and Report made by him thereon; of the Departmental action and Order in Council dealing with Phipps made after the Reports; of all Correspondence relating to that action, of the Order in Council thereafter made suspending Phipps; of the Departmental or other action on which Inspector Dewe entered on a fresh investigation; of the Evidence taken and Report made by him thereon; of all Correspondence relating thereto; and to the subsequent action of Inspector Sweetman; and to the final action under which Phipps was re-instated and Copy of such action.

(3.) Statement of the Office held by the Assistant Postmaster at London prior to his promotion; of the date of his appointment as Assistant; of the time during which he has been a Member of the City Council; and Copies of any Reports or Correspondence relating to him.

(4.) Copies of any Papers or Reports relating to the late Deputy Inspector Cox shortly before his superannuation: and of the Correspondence and Departmental and Executive action touching his superannuation.

(5.) Copies of any Papers, Correspondence or Reports as to the condition of the London Office.

By Command,

J. A. MOUSSEAU,  
*Secretary of State.*

Department of the Secretary of State,  
17th March, 1882.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Return is not printed.]*



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## RETURN

(88a)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882:—

For (1.) Copies of the Evidence taken and Report made by Post Office Inspector Dewe, about 1880, on the defaults and irregularities in the London Post Office, &c., &c., &c.

(2.) Copies of the Evidence, Correspondence, Reports and Orders in Council or Departmental action on which Scott Phipps, a Clerk in the London Office was dismissed about, 1875, &c., &c., &c.

(3.) Statement of the Office held by the Assistant Postmaster at London prior to his promotion; of the date of his appointment as Assistant; of the time during which he has been a member of the City Council; and Copies of any Reports or Correspondence relating to him.

(4.) Copies of any Papers or Reports relating to the late Deputy Inspector Cox, shortly before his superannuation, and of the Correspondence and Departmental and Executive action touching his superannuation.

(5.) Copies of any Papers, Correspondence or Reports as to the condition of the London Office.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
31st March, 1882.

*Secretary of State.*

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## RETURN

88b)

To an ADDRESS of the HOUSE OF COMMONS, dated 1st March, 1882:—For

all Correspondence, Reports and Orders in Council relating to J. J. Ross and J. Gordon, late Clerks in the London Post Office, and to their Superannuation.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd April, 1882.

*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]

## RETURN

(89)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882:—For Copies of all Papers asking that the Telegraph Line on the East Coast of Vancouver's Island from Nanaimo be extended to Comox, so as to accommodate the communication of the Farmers, Merchants and Trade of Comox with the outer world.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
17th March, 1882.

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## RETURN

(90)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882:—For a Statement of services performed for the Government by the Tug Boat "Annie Stewart," during the past three years, places at which employed, and Copies of all Contracts and Agreements entered into with the owners of said Boat for her services.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
21st March, 1882.

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*In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]*

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## R E T U R N

(91)

To an Address of the HOUSE OF COMMONS, dated 20th February, 1882:—  
For Copies of all Correspondence, Orders in Council and Regulations on the subject of grinding in Bond; a Statement of all Bonds given under the Regulations, with dates and names; a Statement of the action thereon, and of the present condition of things in respect of each such Bond; a Statement, in detail, of the duties paid under or other satisfaction of each such Bond, with the dates of payment or satisfaction; copies of all Correspondence with, and demands made by Government on each person who has given such Bonds; copies of Instructions given to Inspectors or other Departmental Officers, to investigate matters connected with grinding in Bond, and of Correspondence with, and Reports from them; a list of the cases, if any, in which Wheat or Flour belonging to others has been improperly exported in the name of a grinder in Bond to evade the Duty, and in which Wheat or Flour has been sold by a Grinder in Bond a trifle under market rates on condition that it should be improperly credited in the Export to the Seller in order to evade the Duty, and all Correspondence and Governmental action thereon.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.

*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]*

## RETURN

(92)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882;—For a Detailed Statement of Flour, Meal and Corn, entered for consumption at the different Ports of Entry in all the Counties of the Province of Nova Scotia, from the 15th March, 1879, to 30th September, 1881.

By command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.

*Secretary of State.*

STATEMENT showing the Quantity and Value of Wheat, Flour, Rye, Oatmeal and Indian Meal and Indian Corn, entered for consumption at each Port in the Province of Nova Scotia, from the 14th March, 1879, to the 30th September, 1881.  
*Ordered by the House of Commons, March 6th, 1882.*

Ports.	Wheat Flour.		Flour of Rye.		Indian Corn.		Oatmeal.		Indian or Corn Meal.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Brls.	\$	Brls.	\$	Bush.	\$	Lbs.	\$	Brls.	\$
Amherst.....	242	1,463	.....	.....	1,065	453	.....	.....	2,351	5,327
Annapolis.....	1,634	9,983	.....	.....	506	328	392	11	14,315	39,069
Antigonish.....	402	2,177	.....	.....	.....	.....	.....	.....	3,512	8,398
Arichat.....	819	4,812	.....	.....	.....	.....	.....	.....	770	2,000
Baddeck.....	192	1,138	.....	.....	.....	.....	.....	.....	29	107
Barrington.....	2,879	16,688	.....	.....	245	162	120	4	6,367	16,541
Bridgetown.....	546	3,215	.....	.....	14	11	204	7	1,374	3,657
Cornwallis.....	1,594	8,957	.....	.....	1,021	654	2,775	74	10,250	27,151
Digby.....	1,659	10,157	.....	.....	131	78	950	38	11,768	31,160
Guysboro'.....	714	3,958	.....	.....	.....	.....	.....	.....	742	1,900
Halifax.....	17,390	77,014	65	301	321,592	184,503	88,081	2,546	69,778	168,447
Liverpool.....	1,350	7,058	5	19	86	58	1,200	36	13,373	35,180
Loberport.....	3,275	17,427	1	6	36	23	.....	.....	4,967	13,204
Londonerry.....	937	5,369	.....	.....	42	32	32	.....	3,601	8,907
Lunenburg.....	5,729	29,957	.....	.....	168	64	392	11	14,606	37,923
Margaretville.....	854	5,064	1	5	38	30	200	5	2,616	6,827
North Sydney.....	836	3,621	.....	.....	81	31	400	11	10,070	25,749
Parrsboro'.....	842	4,913	.....	.....	64	57	.....	.....	5,957	15,750
Pictou.....	331	1,792	1	6	1,222	478	.....	.....	9,344	21,076
Port Hawkesbury.....	932	4,843	.....	.....	.....	.....	.....	.....	3,879	10,365
Port Hood.....	98	561	.....	.....	.....	.....	.....	.....	.....	.....
Port Medway.....	145	736	2	9	4	3	196	6	1,264	3,290
Shelburne.....	588	3,111	2	11	64	42	.....	.....	3,399	9,019
Sydney.....	542	2,539	.....	.....	.....	.....	.....	.....	6,836	17,052
Truro.....	.....	.....	.....	.....	4,046	1,507	.....	.....	11,947	24,154
Weymouth.....	2,202	13,165	.....	.....	.....	.....	1,400	41	8,239	21,972
Windsor.....	1,369	8,364	.....	.....	7,560	4,362	300	9	12,282	32,127
Yarmouth.....	2,779	18,353	55	302	5,416	3,345	200	6	28,216	98,300
Total.....	50,890	266,465	132	659	313,437	196,291	96,810	2,805	271,922	684,552

J. JOHNSON,  
*Commissioner of Customs.*

CUSTOMS DEPARTMENT,  
 OTTAWA, 13th March, 1882.

## RETURN

(93)

To an ORDER of the HOUSE OF COMMONS, dated 8th March, 1882:—  
For a Statement of the Imports and Exports at the Port of Saint Hyacinthe, from 1st July, 1881, up to the 1st February, 1882: and also a Statement of the Receipts and Expenditure at the same Port, during the same period.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.

*Secretary of State.*

## RETURN

(94)

To an ORDER of the HOUSE OF COMMONS, dated 18th March, 1882:—For Copies of Correspondence and Information in possession of the Government, as to the use of Barrels, or parts of Barrels, in which American Flour had been imported, for the purpose of exporting Canadian Flour in evasion of the Regulations as to Drawback.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.

*Secretary of State.*

*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]*

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## RETURN

(95)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For Copies of all Correspondence relating to the Superannuation of James D. Dixon, Collector of Customs, Sackville, and of the appointment of his successor, William C. Milner.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.*Secretary of State.*

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## RETURN

(96)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882:—For a List of the names of Foreign Life Insurance Companies who have made deposits with the Government for the sole benefit of Canadian Policy-holders.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(97)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882:—For all Petitions and Correspondence addressed to the Government respecting Postal Communication on that part of the North Shore of the River St. Lawrence which is comprised in the County of Saguenay.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
21st March, 1882.

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## RETURN

(98)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882:—For Copies of all Reports of Engineers, and Correspondence respecting the lowering of the present level of the Water in Lake Manitoba.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
17th March, 1882.



## RETURN

(92a)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882:—For Copies of all Reports of Engineers and Correspondence respecting the lowering of the present level of the Water in Lake Manitoba.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
30th March, 1882.

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## RETURN

(99)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For a Return showing the number of pounds of Wool imported into the Dominion since 30th June, 1831, and amount of Duties collected thereon.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
22nd March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed]

## RETURN

(100)

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1882 :—For a detailed Statement of Receipts and Expenses in connection with the maintenance and operation of the Telegraph Line from Selkirk to Fort Edmonton ; and the Telegraph Line from Selkirk to Winnipeg, separately.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
14th March, 1882.

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## RETURN

(101)

To an ORDER of the HOUSE OF COMMONS, dated 8th March, 1882 :—For a List of Quarantine Stations authorized under the Regulations for the importation of Cattle for breeding purposes.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
17th March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

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## RETURN

(102)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882 :—For all Letters of instruction from Linsday Russell, Esquire, Deputy Minister of the Interior to James Anderson, Crown Timber Agent at Winnipeg, relating to disposal of Timber for Lumber, Railway Ties or Cord Wood since March 1st, 1881, and all Correspondence relating to the same.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.*Secretary of State.*

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## RETURN

(103)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th March, 1882 :—For a Copy of any Resolution of any Provincial Legislative body, transmitted to His Excellency on the subject of the Exercise by the Parliament of Canada of the power to declare Provincial Railways to be for the general advantage of Canada, and of any Correspondence in connection with such Resolution.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
21st March, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

**RETURN**

(104)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882:—For Copies of all Correspondence, Certificates, &c., addressed to the Government in relation to the appointment of Mr. Thomas Ryan, as Engineer of the Custom House, at Montreal, with the date of such appointment.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
23rd March, 1882.*Secretary of State.*

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**RETURN**

(105)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882:—For Copies of Petitions and all Correspondence in connection with the Dry Dock, at Pictou.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
23rd March, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

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# PETITIONS AND REPLY

TO THE

## CHARGES PREFERRED AGAINST

THE

HON. E. B. WOOD, C.J.,

PROVINCE OF MANITOBA.

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PRINTED BY ORDER OF PARLIAMENT.

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OTTAWA:  
PRINTED BY MACLEAN, ROGER & CO., WELLINGTON STREET.  
1882.

## PETITIONS

*In reference to the charges preferred against the Hon. Edmund Burke Wood, Chief Justice of the Province of Manitoba—and a Copy in full of the Answer to the said Petitions by Chief Justice Wood.*

*To the Honorable the House of Commons in Parliament assembled.*

The Petition of the undersigned inhabitants of the Province of Manitoba, humbly sheweth :

That a Commission was issued by His Honor the Lieutenant Governor under the Great Seal of the Province of Manitoba on the 28th of October last, under which an enquiry was instituted into the administration of justice in that Province, as to infants' lands and estates.

That a large amount of evidence was taken before the Commissioners so appointed.

That a learned counsel was retained by the Attorney General of the Province, to marshal the evidence before the said Commissioners and report upon the same.

That, accordingly, an exhaustive report was made by the said learned counsel to the Attorney-General upon the proceedings and evidence taken under the said Commission:—

Your Petitioners most respectfully allege that the grossest mal-administration of justice has been committed by the Hon. Edmund Burke Wood, Chief Justice of the Province of Manitoba as proved in the evidence before the said Commissioners.

Your Petitioners, therefore, humbly pray that your Honorable House will cause an enquiry to be made into the truth of their allegation, and adopt such means as to your Honorable House may seem meet to preserve the integrity of the Bench of Justice in our Province, that it may possess the confidence of the community, and be above suspicion as one of the greatest blessings to be enjoyed by any people, especially by those inhabiting a new and sparsely settled Province.

And, as in duty bound, will ever pray.

EDWARD ELLIOTT.

W. GIBBENS.

W. F. MCCREADY.

March 6th, 1882.

### CANADA.

*To the Honorable the House of Commons of the Dominion of Canada in Parliament assembled.*

The Petition of the undersigned living or having interests in the Province of Manitoba, most respectfully sheweth to your Honorable House :

That the conduct of the Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, residing at Winnipeg in the said Province, is and has been for years past characterized by very serious misconduct and injustice and by acts of a nature to completely destroy all confidence in him as Judge of the Court of Queen's Bench, of suitors and all other classes of people in the said Province of Manitoba, to wit :

That the said Hon. Burke Wood, Chief Justice of the Court of Queen's Bench of the Province of Manitoba, did deliberately and in a most illegal and unjust manner in the case of the Queen *vs.* Louis Riel *et al.*, without the knowledge or consent of the Clerk of the Crown of the said Court of Queen's Bench or of the defendant's counsel, alter and change the dates in certain documents and records of the said Court of Queen's Bench, then in the custody of the Clerk of the Crown and Prothonotary of the said Court, and did thereby procure an illegal outlawry of Louis Riel and others.

That the said Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench of the Province of Manitoba, at the City of Winnipeg, in the said Province, in the month of August, A. D. 1874, did, deliberately, corruptly, illegally and personally, prepare, assist others in preparing and cause to be prepared, a list of names of French half breeds to serve as petit jurors at the then next approaching term of the said Court of Queen's Bench to be held in October, 1874, at which Court one Ambroise Lepine and others were to be tried on indictment for murder; and the said Hon. Edmund Burke Wood illegally and corruptly selected and placed, and caused to be selected and placed on such list the names of such French half breeds only as were well known to be the declared enemies of the said Lepine, and the others who were to be tried for murder as aforesaid; and the said Hon. Edmund Burke Wood did himself hand such list so illegally selected and prepared as aforesaid to the Sheriff of the Province of Manitoba, and ordered him to summon as many as he could find of the persons whose names were on said list and such order was obeyed, and the said Lepine was tried by a jury composed of his enemies, empanelled from said list so illegally prepared, and was found guilty of murder, and upon such finding was sentenced to death by the said Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench of the Province of Manitoba.

That your petitioners do not pretend to say whether the said Lepine was innocent or not of the murder for which he was to be tried; your petitioners pretend only that his trial should have been a legal, fair and impartial one such as all have confidence in obtaining before a British Court of Justice.

That the Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, is so notoriously partial, dishonest and unjust in his judgments and decisions that suitors in the said Court know and feel that their rights are not safe, and the people of the Province of Manitoba have no confidence in, or respect for, the judgments and decisions of the said Hon. Edmund Burke Wood, and have lost all confidence in, and respect for, the administration of justice in the Province so long as the said Chief Justice Wood shall continue to preside in any of the Courts of Justice of the said Province.

That the said Hon. Edmund Burke Wood is in the constant habit of introducing local and Dominion politics into his charges to Grand Jury, and of taking an active part in politics, local and Dominion, and did so more conspicuously than usual during the last local election at Winnipeg when, in a barber's shop, in the presence of a number of people, the said Hon. Chief Justice Edmund Burke Wood made a most violent attack on the character of one of the candidates then seeking election.

That the said Hon. Edmund Burke Wood, in his charges to the Grand Jury for the Province of Manitoba, at the Spring Assizes of 1880, declared that he had no confidence in the oath of any of the French native population of the Province, and as a natural consequence of such a declaration a large and important class of the population of the Province of Manitoba has lost all confidence in the impartiality of the Chief Justice and can entertain no hope of fair or impartial justice before him.

That the suitors of the Province of Manitoba have lost all confidence in the administration of justice by the said Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the said Province, by reason of the evident and notorious partiality of the Hon. Chief Justice in the exercise of his judicial functions in favor of certain members of the Bar of Manitoba practising before him, some of such members of the Bar being his own near relatives, a partiality so very notorious and so clearly proved in the eyes of the public that a large number of litigants abandoned their own attorneys, and in self-defence felt compelled to employ the said members of the Bar so favored by him, or retained in addition to their attorneys so favored by him, admitting openly that they so acted, because those members of the Bar had full empire over the Judge and that he made them gain their cases.

That the said Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, is in the constant habit of receiving at his own private house in Winnipeg, persons who go to him to ask for his legal opinion and advice in matters affecting their interests and which must naturally come afterwards

before the said Hon. Chief Justice Wood as a Judge of the Court of Queen's Bench for trial; that he gives his opinion and even recommends such persons so consulting him as to what attorney they should retain and warns them against retaining other attorneys who are not his favorites.

That the said Hon. Edmund Burke Wood, Chief Justice for the Court of Queen's Bench for the Province of Manitoba, is in the constant habit of using the most abusive language towards both suitors and members of the Bar of Manitoba, in open Court and in Chambers, and of displaying such uncontrolable infirmities of temper and bursts of passion whilst acting as a Judge, and to disgust all parties who are so unfortunate as to be compelled to submit to his abuse, insults and injustice.

That the said Honorable Edmund Burke Wood is in the habit of taking the unsworn statement of persons on the streets or at his private residence in preference to the sworn testimony of sworn witnesses in Court and of giving such unsworn statement more credence than the testimony of sworn witnesses, and that he did so more particularly in the case of *Sinclair vs. McDonald et al.*, in October, 1880, and was exposed through the public press for so doing.

That the said Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, was guilty of gross injustice and partiality towards the Defendant's in the case of *Hogan vs. Manning et al.*, in which case the Plaintiff was represented by the said Chief Justice's own son and his nephew Messrs. Biggs & Wood, attorneys and barristers of Winnipeg, and prevented the Defendant's having any chance of appealing from his decision by preventing the short-hand reporter from taking the evidence, so that the Defendant's had only his, the Chief Justice's notes of the evidence to rely upon in a matter involving about five thousand dollars.

That the said Honorable Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, in his character of Judge of the County Court of Manitoba, illegally and deliberately caused to be summoned *McDonald et al.*, in the case of *McAdams vs. McDonald et al.*, at eleven o'clock in the forenoon of a certain day in October, 1879, and in defiance of all law and usage gave judgment against the Defendant's, and caused an execution to issue against the said Defendant's before one o'clock in the afternoon of the same day, and the bailiff of the County Court was in the act of removing Defendant safe from their office within three hours after the pretended service of the summons to appear, thereby very seriously damaging the credit and standing of the firm of *McDonald, Manning & Co.*, who were and are contractors for the construction of Section (16) of the Canadian Pacific Railway.

That the said Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, has therefore been charged by the Government of Manitoba with degrading the administration of justice by his unseemly conduct and gross exhibition of intemperance while in circuit as a Judge of the County Court, on the road and at Portage LaPrairie, in the County of Marquette, in the said Province of Manitoba. That the charge hereby referred to was solemnly made by the Lieutenant-Governor in Council of the said Province, and was duly forwarded to the Minister of Justice for Canada.

That by the aforesaid acts of injustice, conspiracy, partiality and arbitrariness by the aforesaid changing and alteration of a record in the custody of the Crown Office and a record of the Court in a very important, serious and criminal proceedings in which the life and liberty of the parties implicated might depend, and by the corrupt preparation or packing of the petit jury list to try men for murder, and by his degradation of the administration of justice, the said Hon. Edmund Burke Wood has completely destroyed all confidence and respect in his regard, and that he has rendered himself entirely unworthy of exercising any longer the honorable, sacred and august functions of Chief Justice of the Court of Queen's Bench of the Province of Manitoba.

Your petitioners declare and pray you to believe that it is most painful to them to be obliged in the interests of justice to adopt this mode of proceeding, as it must be always very painful to British subjects to acknowledge, much more



to expose, the fact that there is corruption on the Bench. The suitors, members of the Bar and people of the Province of Manitoba know the facts, and yet have been deterred from preferring charges for fear of the vengeance of the said Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, should he succeed in escaping the charges made against him. The facts aforesaid, if they are not all within the personal knowledge of your petitioners, are most of them matters of public notoriety, and have come to the knowledge of your petitioners in such a manner as to render them worthy of credit and belief.

That your petitioners are in a position to prove that all the facts and complaints above set forth are susceptible of undeniable proof.

Wherefore your petitioners pray your honorable House to take this their petition into favorable consideration and deal therewith in conformity to law and justice and the interests of the pure administration of justice and the public service.

And your petitioners as in duty bound will ever pray.

HENRY J. CLARKE, Q. C.  
W. BOYLE, Farmer, South Dufferin.  
T. J. BRADLEY, J. P.  
J. E. COOPER.

WINNIPEG, MAN., January 3rd, 1881.

## RETURN

(106)

To an ADDRESS of the HOUSE OF COMMONS, dated 13th February, 1882:—  
For a Copy in full of the Answer of Honorable Edmund Burke Wood, Chief Justice of the Province of Manitoba, to the Petition of Henry J. Clarke, Q. C., of Winnipeg, and others, presented to the House of Commons 4th March, 1881, said Answer being reputed to contain fourteen chapters.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
24th March, 1882.

*Secretary of State.*

## INTRODUCTION.

16th August, 1881.

*To the Governor General in Council.*

May it please Your Excellency in Council,—

I have examined the charges preferred against me in my official capacity as Chief Justice of Manitoba, in a petition purporting to be subscribed by Henry J. Clarke, Q.C., F. T. Bradley, Johnson E. Cooper and William Boyle, a copy of which has been transmitted by the Hon. Secretary of State for Canada, for my perusal and observation in the order in which they are presented in the petition.

The petition naturally divides itself into fourteen paragraphs, and I have accordingly, in considering it, separated it into fourteen chapters, making each chapter the subject of separate observations.

I have endeavored to be as brief as a full exposition and explanation of each substantive accusation would, in my judgment, admit. The gravity of the charges, and the importance to myself personally, and the vast considerations involved in a public point of view in this petition, as affecting the independence of the Judiciary and of the Bench, and the free, impartial and pure administration of justice in all Canada, must be my excuse for the length at which my observations have extended.

It has occurred to me that it would be in the public interest that Your Excellency in Council should, at once, have my answer, with all the papers annexed (with a proper index, making easy reference to salient points and to documents in different parts of my observations) ready to be distributed to members in the Houses of Parliament, and that the same should, on the meeting of Parliament, be promptly transmitted to both Houses for their consideration, along with the petition. I make this suggestion, however, with deference, feeling confident that Your Excellency in Council will receive it in the spirit in which it is offered, and fully appreciating that to Your Excellency in Council, in a pre-eminent degree, belongs the protection of an independent and pure administration of justice in an enlightened system of jurisprudence, which is the greatest interest of man on earth, and which underlies the frame work of human society, and forms the ligament that binds and holds civilized communities and civilized nations together.

In my view, the interests of society in general in this matter so far transcend all considerations of individuals, as to imperatively demand that the petitioners should establish the allegation of facts in the petition by irrefragable testimony, or stand before the world convicted by the judgment of Parliament, as dastardly calumniators, and be condemned to that ignominy, disgrace and punishment which so vile and wanton an abuse of the right of petition deserves.

It is most respectfully submitted that it is no light thing, by a formal petition to the great Court of Parliament, thus to assail a Chief Justice of a Province and the administration of justice over which he presides; and aside from all private consideration, public interests of the greatest magnitude demand at the hands of the Government and of the Parliament of Canada, according to the constitution of the land, a prompt and speedy vindication of the truth, and a punishment of the guilty. In the manner I have ventured to suggest it is most respectfully submitted that this end may be promptly attained; for in my observations and appended documents is contained a full and complete demonstration of the willful, malicious and false insinuations and accusations in the whole petition.

All of which is, nevertheless, most respectfully submitted.

E. B. WOOD, Chief Justice.

## CHAPTER I.

### *Observations on the first paragraph of Mr. Clarke's petition.*

"The petition of the undersigned, living or having interests in the Province of Manitoba, most respectfully sheweth to your honorable House:

"That the conduct of the Hon. Edmund Burke Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, residing at Winnipeg, in the said Province, is and has been for years past characterized by very serious misconduct and injustice and by acts of a nature to completely destroy all confidence in him as Judge of the Court of Queen's Bench, of suitors and all other classes of people in the said Province of Manitoba, to wit:

"That said Hon. E. B. Wood, Chief Justice of the Court of Queen's Bench of the Province of Manitoba, did deliberately in a most illegal and unjust manner in the case of Louis Riel, *et al.*, without the knowledge or consent of the Clerks of the Crown of said Court of Queen's Bench or of defendant's counsel, alter and change the dates in certain documents and records of said Court of Queen's Bench, then in the custody of the Clerk of the Crown and Prothonotary of said Court, and did thereby procure illegal outlawry of Louis Riel and others."

Certainly from the 10th February, 1875, till I received a copy of this petition I have never seen the papers in the *Queen vs. Riel*, nor had I the slightest intimation of any such charge as that made against me till I learned it from that petition. Since, I have examined the papers as they are filed in the office of the Court of Queen's Bench. The whole charge is wanton and malicious and without the slightest foundation in fact, as the papers themselves will demonstrate.

I came to this Province and assumed my official duties as Chief Justice about the middle of June, 1874. I found Mr. Clarke to be then the Attorney-General, and Mr. Daniel Carey the clerk in the office of the Court of Queen's Bench, who, under powers conferred upon him by statute, and by his friend the Attorney-General, as Clerk of the Crown and Peace, managed the criminal business, how and in what manner the records now in the office will give but a faint idea. In the interest of public justice, I found it to be my duty to exercise a constant and watchful supervision over all criminal proceedings.

In the month of July, Mr. Clarke, as leader of the Government, was defeated in the Legislative Assembly and resigned and a new Government was formed, and shortly after Mr. Clarke left the Province and went to California and did not return to this Province until the autumn of 1877. Mr. Carey, as a rule, continued to manage the Crown business chiefly under my supervision, and, in so far as I know, very creditably. From him I learned, shortly after I came here, that proceedings in outlawry for the murder of Thomas Scott were going on against Louis Riel, who, on an indictment for murder having been found against him by the Grand Jury in the preceding November, had fled the country. I did not profess to know, nor did I in fact know, nor was I familiar with the practice of such proceedings; and on looking into the matter I did not then well see, nor do I now well see, how outlawry can, with our Courts constituted as they were then and are now, with no separate county judicial organizations and no sheriff's county courts held at short intervals as in England, nor any places that would answer the "hustings" in the practice as settled in England, be prosecuted to a successful termination.

As it appears by the papers in the case, a *capias* had been issued by Mr. Carey on the 19th November, 1873, and an *alias capias* on the 10th February, 1874, and a *phuries capias* on the 10th June, 1874 (fac simile copies of which are herewith enclosed with the sheriff's returns thereon marked respectively A, B and C). They do not purport to be issued by the authority of the Attorney-General or any other prosecutor on behalf of the Crown. That issued on the 10th of June, 1874, purports to be, and no doubt was, issued after I came here, but I have no recollection of being spoken to about it, but no doubt if I had been I would have ordered the writ to go. The test of each of these writs was on the day of the statutory term of the sittings of the Court of Queen's Bench, as it was called, for the hearing and trial of all matters civil and criminal.

According to my recollection, as refreshed by an examination of the papers, my attention was not called to this matter till some time in October, 1874. On looking into the matter, I recollect that I saw that nearly a year had already been consumed in these outlawry proceedings, and that, according to the regular practice in England, situated as we were in this Province, I did not well see how we could get on so that the proceedings would be of any avail in law. Already considerable expense to the Province, as I understood, had been incurred; but upon the whole I did not feel justified in ordering the proceedings to be abandoned. Mr. Carey, on the return of the *phuries capias*, had issued the writ of *exigent*, returnable the first of Hiliary Term, 1875 (a Statute having been passed in 1874 establishing terms for the sittings of the Court, and a Court of Assize), and a writ of *capias cum proclamatione*. I examined these writs, as I felt it my duty to do, and I looked carefully into the practice in such cases as it was in England, there being no cases to which I could refer in this country. I thought best to conform as nearly as it possibly could be done, in our existing judicial *status* to the practice, as settled by Statute in England. We had in Manitoba a Court of Queen's Bench, which then, by the third section of 38 Vic., chap. 12, of this Province, was authorized to sit as a Court of Oyer and

Terminer, &c., and of Assize and *Nisi Prius*, three times in each year for the whole Province, on the tenth days of February, June and October respectively, which embraced within its jurisdiction all matters cognizable by, or within the jurisdiction of, the Court of Quarter Sessions of Peace, in a county in England. We then had also five County Courts, as they were called—the County Court of Selkirk, the County Court of Lisgar, the County Court of Provencher, the County Court of Marquette East, and the County Court of Marquette West.

According to Gude's Crown Practice, Vol. 2, p. 166, form of writ *cum proclamatione*, it appeared to me that one of the Courts at which the *exigent* should be made was the General Quarter Sessions of the Peace; and on looking at the Statutes, and the construction which the Courts had put upon them, I thought it safest that the writs should be so framed, and as the Queen's Bench, sitting as a Court of Oyer and Terminer, &c., was in fact for this Province a Court equivalent to the Court of Quarter Sessions of the Peace in England, I came to the conclusion that one proclamation should be made to the Court of Queen's Bench, sitting as a Court of Oyer and Terminer.

The writ of *exigent*, as drafted by Mr. Carey, ran thus: "We command you that you cause to be exacted Louis Riel, late of the parish of St. Vital, in the county of Provencher, in the Province of Manitoba, gentleman, from County Court to County Court, until he shall be outlawed, according to the law and custom of England, if he shall not appear."

In the amendment I made to this form, the writ ran and now is: "We command you that you cause to be exacted Louis Riel, late of the parish of St. Vital, in the county of Provencher, in the Province of Manitoba, gentleman, from County Court to County Court ('for four successive County Courts, and then at the succeeding Court of Queen's Bench, sitting as a Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius*, the last being the *quinto exactus*,') until he shall be outlawed, according to the law and custom of England, if he shall not appear, &c." I have underscored and put in parenthesis the only amendment (except as after mentioned) I made to the writ; and on the margin of the writ opposite the amendment, I find in my handwriting the words, "Amended, 10th October, 1874, E. B. Wood, C. J." The only other amendment made in the writ is consequent upon what I have said in respect of the change made in the sittings of Queen's Bench in Term, and as a Court of Oyer and Terminer, &c., by the Act 38 Vic., chap. 12, secs. 3 and 5. Mr. Carey's draft made the writ returnable on the first day of the Hilary Term next, to wit, on the 25th day of February, in the year of our Lord one thousand eight hundred and seventy-five." (38 Vic. chap. 12, secs. 3 and 5.)

But the Court of Queen's Bench would not on that day sit as a Court of Oyer and Terminer, &c., and I therefore struck out the words "First day of Hilary Term next, to wit, on the twenty-fifth," and substituted the word "tenth," the day of the sitting of the Court as a Court of Oyer and Terminer, &c.

And further on and last of all, I struck out the words "*in banco*" following the word sitting, and inserted the words after the word "sitting" the words "as a Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius*;" and opposite these amendments, on the margin of the writ, I placed the words "Amended 10th October, 1874, E. B. Wood, C. J."

The cognate writ of *capias cum proclamatione* contains the same amendments made at the same time and for the same reasons. I forbear to recapitulate these amendments; but I send herewith exact copies of both writs respectively, marked D and E, the amendment being written in red ink, and the words scored out having a red line through them; so that the whole thing may be comprehended at a glance.

It appears by the papers on file in the Crown Office that on the 10th of February, 1875, the writs were returned by the Sheriff and a record of judgment in due form made up and filed in the office of the Clerk of the Crown and Peace; but as this record is only a recital of the several writs and their return and as the labor of mak-

ing a copy of it is considerable, I am inclined to forego the labor unless a copy should be thought material. For myself, I do not see that it is.

In the case of criminal outlawry, the proceedings are necessarily *ex parte*; they are simply to compel, after indictment found, the surrender of the delinquent. In these proceedings the offender cannot appear by counsel; he must first surrender himself to the custody of the law, and then his counsel may appear and be heard, but not before. The end aimed at is the surrender of the offender; that being accomplished, the proceedings are at end. I make this remark as showing the reckless allegation or ignorance of the petitioners in respect of what they say as to counsel for the defendant. Of course the defendant could have no counsel known to the Court; and if he had, I do not think it would be incumbent on the Court to consult that counsel as to what should be the terms and form of writ against his client. They say amendments "were made in a most illegal and unjust manner," that "dates were altered and changed in certain documents and records of the Court then in the custody of the Clerk, and thereby was procured the illegal outlawry of Louis Riel and others." There never was any other case of outlawry in the Court in Manitoba that I know of than that of Louis Riel, and no change of any "dates in documents and records" were ever made in that case except as I have mentioned; and those changes being perfectly right according to the law and the justice of the case, and in no sense, as I can see, affecting the end reached in the outlawry proceedings, to say that thereby the illegal outlawry of Louis Riel was procured, is one of the most wanton, reckless and daring charges ever made against a judicial officer.

It is charged against me that in what I did I did not consult Mr. Carey, (then the Clerk of the Court, but since dismissed for alleged intermissions in his office.) I was not aware before, that I was bound to consult the Clerk of the Court as to the exercise of any judicial discretion in the discharge of my judicial functions. My ignorance in this respect, has no doubt been the occasion if not the cause of this dastardly attack on my honor as a Judge for which I have no remedy.

Even if the writs in question had been formally issued and delivered to the Sheriff for execution, but not formally executed, on my attention being called to any matter of mere form, I should not have had any hesitation in making the amendments thought expedient or even necessary; and now I should, in such a case, have as little hesitation even without the consent or knowledge of the Clerk of the Crown and Peace. As an illustration of the length to which the power to amend now goes in criminal matters, I need only refer to 32, 33 Vic., chap. 29, sections 70, 71 and 72. A criminal information may be amended (*in re Conklin*, Q. B. Ont. 160.)

But really in fact in this matter there was no amendment of even the writs properly so called—there was merely more specific directions in the writs given to the Sheriff—the form of the writs not being prescribed by Statute, but being settled by counsel so as to conform to the Statute and exigency of the occasion in this case caused by a change in the sittings of the Court *in banc*, and as a Court of Oyer and Terminer, &c., by 38 Vic., chap. 12, secs. 3 and 5.

In all cases of criminal outlawry, the offender can, on surrendering himself, move against the judgment and assign error on the record, which is made up of the writs and returns; and if not conformable to law, the judgment of outlawry will be set aside.

Whether the judgment in this case would be upheld by the Court, I can offer no opinion, but I am certain it would not on the law or merits be held defective for any change or alteration in the writs. (*Rex vs. Barrington*, 3 T.R. 499; *Rex vs. Almon*, 5 T.R. 202; *Rex vs. Perry*, 6 T.R. 573.)

In conclusion permit me to say that I cannot but feel, that through malice and malevolence, great injustice has been done me in this matter. The mere mention of any such accusation as this against a Judge, in a formal petition, although without any justification in fact, is so abhorrent to all our notions of the uprightness of the Bench, that careful examination is with many dispensed with, and flagrant wrong visited upon an innocent and perfectly justifiable act. There can be no question in this case; but I confess that the mere imputation or insinuation annoys and distresses

me, even coming from the source it does. An examination of the accompanying papers, and a consideration of the facts, will demonstrate how unfounded and malicious is the whole accusation.

I repeat the amendments in the two writs became necessary by Mr. Carey who drafted them, not observing carefully the change made in the sittings of the Court of Queen's Bench as a Court of Oyer and Terminer, &c., in the Manitoba Act 38 Vic., chap. 12, secs. 3 and 5—a perfectly proper proceeding—and the return of the Sheriff endorsed on the back of the writ of *exigent* shows that he executed it according as it is amended. The effect of 38 Vic., chap. 12, was to make the writs returnable to the Court at its sitting as Court of Oyer and Terminer, &c., instead of to the Court sitting *in banco*; and the effect of the amendment was to make the writs returnable to the former Court thirteen days before the latter Court. That was all; a thing perfectly proper and necessary, and in no way affecting Riel prejudicially and absolutely necessary to the *pro forma* proper proceedings of the case.

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**A.**

CANADA, PROVINCE OF MANITOBA, WINNIPEG.

COURT OF QUEEN'S BENCH (CROWN SIDE).

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.—

To Edward Armstrong, Sheriff of the Province of Manitoba, &c., GREETING :

We command you that you omit, not by reason of any liberty in your bailiwick, but that you enter the same, and take Louis Riel, of the parish of St. Vital, in the county of Provencher, in the Province of Manitoba, gentleman, if he should be found in your bailiwick, and him cause to be safely kept, so that you have his body before our Justices of our Court of Queen's Bench, sitting in term at the city of Winnipeg, in the county of Selkirk, in the Province aforesaid, for the trial of causes criminal and civil, and holding Assizes of Oyer and Terminer and General Gaol Delivery for the Province of Manitoba, on the tenth day of February next ensuing, to answer unto us concerning divers trespasses, contempts and felonies of which he is indicted, and have you then and there this writ.

Witness the Honorable James Charles McKeagney, Senior Puisné Judge of Our said Court of Queen's Bench, at Winnipeg aforesaid, this nineteenth day of November in the year of Our Lord one thousand eight hundred and seventy-three, in the thirty-seventh year of Our Reign. One marginal reference is good.

DANIEL CAREY, Clerk of the Crown and Peace.

The within named defendant is not found in my bailiwick.

The answer of E. ARMSTRONG, Sheriff.

Sheriff's Office, 10th February, 1874.

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**B.**

CANADA, PROVINCE OF MANITOBA, WINNIPEG.

COURT OF QUEEN'S BENCH, (CROWN SIDE).

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To Edward Armstrong, Sheriff of the Province of Manitoba—GREETING :

We command you, as we have before commanded you, that you omit not by reason of any liberty in your bailiwick, but that you enter the same and take Louis

Riel, of the parish of St. Vital, in the county of Provencher, in the Province of Manitoba, gentleman, if he should be found in your bailiwick, and him cause to be safely kept, so that you have his body before our Justices of our Court of Queen's Bench, sitting in term, at the city of Winnipeg, in the county of Selkirk, in the Province aforesaid, for the trial of causes civil, as well as criminal and holding assizes of Oyer and Terminer and General Gaol Delivery for the Province of Manitoba, on the 10th day of June next ensuing, to answer unto us concerning divers trespasses, contempts and felonies, of which he is indicted and have you then and there this writ.

Witness, the Honorable James Charles McKeagney, senior Puisné Judge of our said Court of Queen's Bench, at Winnipeg, aforesaid, this tenth day of February, in the year of Our Lord, one thousand eight hundred and seventy-four, in the thirty-seventh year of Our Reign.

DANIEL CAREY, Clerk of the Crown and Peace.

The within named defendant, Louis Riel, is not found within my bailiwick.

The answer of EDWARD ARMSTRONG, Sheriff.  
June 10th, 1874.

C.

CANADA, PROVINCE OF MANITOBA, WINNIPEG.

COURT OF QUEEN'S BENCH, (CROWN SIDE).

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To Edward Armstrong, Sheriff of the Province of Manitoba—GREETING:

We command you, as we have before often times commanded you, that you omit not by reason of any liberty in your bailiwick, but that you enter the same and take Louis Riel, of the parish of St. Vital, in the county of Provencher, in the Province of Manitoba, gentleman, if he shall be found in your bailiwick, and him cause to be safely kept, so that you may have his body before our Justices of our Court of Queen's Bench, sitting in term, at the city of Winnipeg, in the county of Selkirk, in the Province of Manitoba, for the trial of causes, civil as well as criminal, and holding Assizes of Oyer and Terminer and General Gaol Delivery for the Province aforesaid, on the tenth day of October next ensuing, to answer unto us concerning divers trespasses, contempts and felonies, of which he is indicted, and have you then and there this writ.

Witness the Honorable Edmund Burke Wood, Chief Justice of our said Court of Queen's Bench, at Winnipeg, aforesaid, this tenth day of June, in the year of Our Lord one thousand eight and seventy-four, in the thirty-seventh year of Our Reign.

DANIEL CAREY, Clerk of the Crown and Peace.

The within named defendant is not found in my bailiwick.

The answer of E. ARMSTRONG, Sheriff.  
Sheriff's Office, October 10th, 1874.

## D.

## CANADA, PROVINCE OF MANITOBA, WINNIPEG.

## COURT OF QUEEN'S BENCH, (CROWN SIDE).

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith, &c., &c.

To the Sheriff of the Province of Manitoba—GREETING:

We command you that you cause to be exacted Louis Riel, late of the parish of St. Vital, in the county of Provencher, in the Province of Manitoba, Gentleman, from County Court to County Court for four successive County Courts and then at the succeeding Court of Queen's Bench, sitting as a Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius*, the last being the *quinto exactus*, until he shall be outlawed, according to the law and custom of England, if he shall not appear; and if he shall appear, then that you take him, and him safely keep so that you may have his body before us at the city of Winnipeg, in the Province of Manitoba aforesaid, on the tenth day of February, in the year of our Lord one thousand eight hundred and seventy-five, at our Court of Queen's Bench, sitting as a Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius*, to answer to us for a certain felony and murder whereof he is indicted, and whereupon you have divers times before returned unto us that the said Louis Riel is not found in your bailiwick and that you then have there this writ.

Witness the Honorable Edmund Burke Wood, Chief Justice of our said Court of Queen's Bench at Winnipeg, this tenth day of October, A. D. 1874, in the thirty-eighth year of Our Reign.

By the Court,

DANIEL CARCY, Prothonotary and Clerk of the Crown and Peace.

RETURN.—By virtue of this writ to me directed, at the County Court holden at the city of Winnipeg, in and for the county of Selkirk, in the Province of Manitoba, on the third day of January, in the year of our Lord one thousand eight hundred and seventy-five, I did in open County Court demand the within named Louis Riel a first time and he did not appear, and at the County Court holden at the county site in and for the county of Lisgar, in the Province aforesaid, on the seventh day of January, in the year aforesaid, I did in open County Court demand the within named Louis Riel a second time; and at the County Court holden in and for the county of Provencher, at the county site in the said county, I did in open County Court demand the within named Louis Riel a third time, and he did not appear; and at the County Court holden in and for the County of Marquette East at the county site of the said county on the thirteenth day of January, in the year aforesaid, I did in open County Court demand the within named Louis Riel, and he did not appear; and at the Court of Queen's Bench, sitting as a Court of Oyer and Terminer and General Gaol Delivery, and of Assize and *Nisi Prius*, at the city of Winnipeg, in and for the county of Selkirk, in the Province of Manitoba, in and for the said Province, on the tenth day of February in the year aforesaid, I did in open Court demande th said within named Louis Riel, and he did not appear, as within I am commanded.

Therefore by the judgment of Curtis James Bird, Esquire, Coroner of Our Lady the Queen for the Province of Manitoba, the said within named Louis Riel is, according to the law and custom of England, outlawed.

The answer of EDWARD ARMSTRONG, Sheriff, Manitoba.



## E.

## CANADA, PROVINCE OF MANITOBA, WINNIPEG.

## COURT OF QUEEN'S BENCH, (CROWN SIDE).

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith &c., &c.

To the Sheriff of the Province of Manitoba—GREETING:

Whereas, by our writ of *exigent*, having the same day of teste and return as this our writ of Proclamation, we have commanded you that you cause to be exacted, Louis Riel, late of the parish of St. Vital, in the county of Provencher, in the Province of Manitoba, gentleman, from County Court to County Court, for four successive County Courts, another at the succeeding Court of Queen's Bench, sitting as a Court of Oyer and Terminer and General Gaol Delivery and Assize and *Nisi Prius*—the last being the *quinto exactus*—until he shall be outlawed, according to the law and custom of England, if he shall not appear; and if he shall appear, that then you take him and him safely keep, so that you may have his body before us at the city of Winnipeg, in the Province aforesaid, on the tenth day of February, in the year of Our Lord one thousand eight hundred and seventy-five, at our Court of Queen's Bench, sitting as a Court of Oyer and Terminer and General Gaol Delivery, and of Assize and *Nisi Prius*, to answer to us for a certain felony and murder whereof he is indicted: We, therefore, command you, that by virtue of the Statutes in that case, made and provided, you cause three proclamations to be made, according to the form of the said Statutes in that case, made, and provided in form following (that is to say) one of the same proclamations in the open County Court to be begun and holden in the County of Selkirk on the third day of January next, in the year last aforesaid; and one other of the same proclamations to be made at the succeeding sitting of the County Court to be holden in and for the county of Lisgar, in the aforesaid Province, on the seventh day of the same January; and one other of the same proclamations to be made one month at least before the *quinto exactus*, by virtue of the said writ of *exigent*, at or near to the most usual door of the Roman Catholic Church, in the parish of St. Norbert, in the county of Provencher, aforesaid, upon a Sunday, immediately after Divine Service and sermon, if any sermon there be, and if no sermon there be, then forthwith after Divine Service, that he, the said Louis Riel, render himself into the custody of you, our aforesaid Sheriff of Manitoba, before or at the time when he shall be the fifth time exacted, so that you may have his body before us at the said sitting of our said Court of Queen's Bench, on the aforesaid tenth day of February next, at the city of Winnipeg aforesaid, to answer to us for the felony and murder aforesaid, and have you then there this writ.

Witness, the Honorable Edmund Burke Wood, Chief Justice of our said Court of Queen's Bench, at Winnipeg aforesaid, this tenth day of October, A. D., 1874, in the thirty-eighth year of Our Reign.

By the Court,

DANIEL CAREY, Prothonotary and Clerk of the Crown and Peace.

## CANADA, PROVINCE OF MANITOBA.

SHERIFF'S RETURN.—I humbly certify and return that the within Louis Riel is not within my bailwick; and, I further certify and return that at the County Court, holden in and for the County of Selkirk, in the said Province, on the fourth day of January, in the year of Our Lord, one thousand eight hundred and seventy-five, at the Court House, in the said county, in open County Court, I made the first public proclamation; and at the succeeding County Court holden in and for the county of

Liagar, in the Province aforesaid, on the seventh day of January, in the year aforesaid, at the county site of the said county, in open County Court, I made the second public proclamation; and on the third day of January, in the year aforesaid, at and near most usual door of the Roman Catholic Church, in the county of Provencher aforesaid, upon a Sunday, immediately after Divine Service and sermon, I did make another public proclamation, that the said Louis Riel should render himself to answer Our Lady the Queen, as by this writ he is required, and as I am within commanded.

The answer of

EDWARD ARMSTRONG, Sheriff of Manitoba.

## CHAPTER II.

### *Observations on the Second Paragraph of Mr. Clarke's Petition.*

"That said Hon. E. B. Wood, Chief Justice of the Court of Queen's Bench, of the Province of Manitoba, at the city of Winnipeg, in said Province, in the month of August A.D. 1874, did deliberately, corruptly, illegally and personally prepare, assist others in preparing, prepare and cause to be prepared, a list of names of French half-breeds to serve as petit jurors at the next approaching term of said Court of Queen's Bench, to be held in October, 1874, at which Court one Ambrose Lepine and others were to be tried on an indictment for murder, and that said Hon. E. B. Wood, illegally and corruptly selected and placed and caused to be selected and placed on such list the names of such French half-breeds only as were well known to be the declared enemies of the said Lepine and others, who were to be tried for murder as aforesaid, and that said Hon. E. B. Wood did himself hand such list, so illegally selected and prepared as aforesaid, to the Sheriff of the Province of Manitoba, and ordered him to summon as many as he could find of persons whose names were on said list, and such order was obeyed, and that said Lepine was tried by a jury composed of his enemies, empannelled from said list so illegally prepared, and was found guilty of murder, and upon such finding was sentenced to death by the said Hon. E. B. Wood, Chief Justice."

I arrived in Manitoba about the middle of June, 1874, and at once assumed my judicial duties. I was a stranger to Manitoba and to all of its people; I found matters judicial in all branches, in a very unsatisfactory condition. I set about making myself master of the situation. The Court of Queen's Bench was then sitting as a Court of Assize and *Nisi Prius*, when I arrived, and continued to sit till the 1st of July. There were some eighty civil cases on the docket, some of them having been made *remanets* two or three times, all of which I tried, or they were disposed of during that term. The statutory sitting of the Court was three times in a year, on the 10th of February, June and October; and the duration of sitting of the Court, at each term, was from and including the 10th to the end of the month. A petty jury of forty-eight attended ten days and were then discharged, and a new panel of forty-eight then came on and served to the end of the sitting of the Court—ten days—making in all ninety-six petty jurors to each term of the Court, besides the Grand Jury, a pretty large drain on the population of that period. At my suggestion, this, however, was all changed by the Legislature in the month of July of that year, by the passing of the short Act 38 Vic., chap. 12.

I recollect one day in August, I think it was, at the Court House, Edward Armstrong, then the High Sheriff of Manitoba as he was called, and with whom I had become well acquainted, asked me into his office, and after I had entered he informed me that he was about summoning the jury for the next sittings of the Court to be holden on the 10th of October. I recollect it struck me as being early, and I so remarked to him. He said, no; it was not too early, that he had a great deal of trouble in making up his panel of competent men, so many were away from home that season of the year, or words to that effect. I said, how do you select your panel, from a jury list? He replied, he had had a jury list to begin with, but that it was exhausted long ago and abandoned; and since that time, for each sitting of the Court,

he had made up his panel as best he could, acting on his knowledge of men and exercising his best discretion. But, I said, have you no Statute on the subject? He replied, yes, but it had practically become a dead letter. I remarked, in my view, it was a very serious and awkward thing. He replied, that, so far, he had had no difficulty. I then obtained the Statute there, in his office, and looked up the matter to see if any duty devolved on me in the premises, as important criminal trials were coming on the next sittings of the Court. After looking at the Statutes, I pointed out to the Sheriff how the petty and Grand Jury lists were to be by him and the Justices of the Peace made and filed, from which he was to take jury panels. His reply, in substance was, that the list had long since been exhausted and abandoned, and had not been renewed, and that he must proceed in the way he had been going on. "Well," I said, "I have told you what my opinion is. It appears by the Statute that I have no commanding or directing power in the matter. The Prothonotary is directed by the Statute to issue the *venire facias*; and you are directed by the Statute to receive the writ and return attached to it a jury panel. This is to be done according to law. If there should be a challenge to the whole array for informality in the selection, it may be a serious affair." I left remarking to the Sheriff that, "I hope we should have a fair jury, and free from violent partizans; and that, of the French, there would be as many as possible who spoke, or could understand, both languages."

The above is, as near as I can at this period of time recollect, the substance of the conversation between the Sheriff and myself; and the only conversation we had on the subject. The subject was never afterwards referred to in any way by the Sheriff or myself, and I had entirely forgotten it; but it was brought to my mind by the charge in the petition and to this hour; I have no reason to believe or suspect, nor do I believe or suspect, that a proper jury was not summoned. I never saw the jury panel, except, it may be, as attached to the *venire facias* in the hands of the Clerk of the Court, nor did I, at the Court and until the Assizes were over, know a solitary person on the panel; nor do I now know the names or the persons of but two men on the panel, namely: Samuel West of Winnipeg, and Norbert Nolin, of St. Boniface, and it was years after the Assizes before I knew them by sight even. At the time the jury was summoned I had been but a few weeks in Manitoba, and if I had been bad enough to do that with which I am charged I could not have done it without outside assistants, with whom I could be easily confronted.

The whole statement and every part of it is a most wicked and diabolical fabrication, at which even the most fiendish men, as it seems to me, would stand aghast, but it seems not so to Clarke.

The question arises how, after the lapse of seven years, could Mr. Clarke get hold of something out of which he could weave his fiendish and diabolical web of calumny? It happens in this wise: Clarke himself, as I shall hereafter show, with the prone moral nature to evil of which he is naturally possessed, intensified by long indulgence in every vice, hates me with a keen hatred for being thwarted and exposed in several most iniquitous and dishonest transactions which have come before the Court, and in respect of which he has vowed vengeance against me. Mr. Carey imputes to me his dismissal by the Government from the office of Prothonotary and Clerk of the Crown and Peace for intromissions in his official duties; but with which I had nothing on earth to do. The late Sheriff Armstrong was, in the day of the power of Mr. Clarke, his creature and henchman, and he was offended at a report I made in respect of the reward of Ontario for the apprehension of the Scott murderers, to which reward the late Sheriff was a claimant, and he imputes to me complicity with his dismissal by the Government from the office of High Sheriff of Manitoba for intromission of official duties; and he furthermore thinks Clarke will be restored to power in Manitoba vain hope--when he too will regain his former position. These persons fancy that to the attainment of these objects, I, in my position of Chief Justice, am an insuperable impediment. Hence this trio have fabricated and concocted this vile calumny after the lapse of seven years. Singular that persons so morally sensitive to the fair administration of justice should have been content to withhold this charge for seven years and then disclose it in the way they have;

especially when parol evidence, by lapse of time, through the slipperiness of memory, and often the lubricity of moral rectitude, is necessarily exposed to so much incertitude.

### CHAPTER III.

#### *Observations on the Third Paragraph of Mr. Clarke's Petition.*

"That Hon. E. B. Wood is so notoriously partial, dishonest and unjust in his judgments and decisions, that suitors in said Court know and feel that their rights are not safe, and the people of the Province have no confidence in, or respect for, the judgments or decisions of said Hon. E. B. Wood, and have lost all confidence in, and respect for, the administration of justice in the Province, so long as said Chief Justice Wood shall continue to preside in any of the Courts of Justice in said Province."

In this paragraph there are no specific charges to meet. It is easy to make charges in this form. Of course it is not expected that I should answer directly such a charge as this by simply traversing it. It rests on the allegation of the petitioners. I will, therefore, make some remarks on the character and the position of the petitioners and on their presumable reasonable opportunity to know that about which they speak; but I shall introduce the petitioners in the inverted order in which their names purport to be subscribed to the petition.

On enquiry I find that J. E. Cooper lives at Emerson, some sixty miles from Winnipeg, where he has resided for some time. I have no acquaintance with or knowledge of him. I do not know him by sight. I have made enquiry in the offices of the Courts and I cannot find that he ever had, or was connected with, any litigation in this Province, except that he is now held to bail for trial at the next October Assizes, on the commitment and order of Colonel Peebles, the Police Magistrate for the Province, on a charge of wilful and corrupt perjury, on the evidence, as I understand, of Mr. Whitcher, Agent at Winnipeg of the Crown Lands Office, and others.

I have had considerable difficulty in ascertaining the identity and whereabouts of William Boyle; I can find but one such name in this Province. On reference to the Land Office at Winnipeg, I learn that there is a person of that name who purports to be a homesteader on the South of Section 14, Township 3, Range 7 West, South Dufferin, who is entered as having come from the township of Huntly, county of Carleton, Ontario, and took up his homestead on the 3rd of May, 1877. If that is the person, his residence is about 150 miles from Winnipeg, and about 100 miles from Emerson. I can find no trace of his name in the offices of the Courts, or otherwise in connection with any litigation; I never saw the name that I know of, nor did I ever hear of such a man being in existence, till I learned it from Mr. Clarke's petition.

F. T. Bradley resides at Emerson and is an officer in the Customs Department. He is so far as I know (barring his action in this petition as after disclosed in the correspondence with him, and in reports as to what he had said about his signature to the petition,) what may be termed, a respectable man. He has never, in so far as I know, or on inquiry can ascertain, been concerned in, or had any connection with, any litigation, directly or indirectly in the Courts in this Province. I know him by sight, but I have no personal acquaintance with him—having never in my life ever spoken to or with him. I have had some formal official correspondence with him on magisterial matters, nothing more.

It is well known here that he and Mr. Clarke were, until recently, great enemies, and were, each, unsparing of denunciations of the other. In this, perhaps, they were both right—that one was right I have no doubt at all. So bitter and deadly was their personal hostility that they carried pistols, each declaring that on meeting the other he would shoot him, but each, as it is said, took great care not to meet the other. This was when they both lived in Winnipeg.

Upwards of a year ago now, Mr. Clarke went to Emerson to live and commenced speculating in lands, and among other lands, some near Emerson, to which the Hud-

son Bay Company "unjustly and greedily," as Mr. Clarke says, set up a title. It is reported that Mr. Bradley is concerned with Mr. Clarke in these land speculations,—that the lamb and the lion lie down together—but that is difficult to tell which is the lamb and which the lion. It is reported that last winter Mr. Bradley was in Ottawa to assist Mr. Clarke in the advancement of these land matters; and while there, on an evening when he was a little elevated, Mr. Clarke got him to sign some petition about the Chief Justice, which Mr. Clarke said required investigation; and thinking it was, as it was said to be, a mere matter of form, he did sign his name to a paper, but to no such petition as was presented to the House of Commons and the Governor in Council. Of course I have not seen Mr. Bradley myself. I could have no personal intercourse with him on the subject; but it is fit and proper that I should state that after he had written to me the two letters of the 17th and the 21st of June, 1881, not at my instance at all, nor with my knowledge, he submitted the correspondence to certain gentlemen and had a conference with them on the subject; and it appears that the outcome of that conference was his letter to me of the 21st of July, 1881. From a gentleman who was a party to that conference, I am at liberty to disclose what I have said in reference to Mr. Bradley signing the petition. More could be said, but I am not at liberty to say it.

I will now introduce the correspondence, to which I solicit a careful examination and consideration. All I can say is, if Mr. Bradley is an honorable, high-minded and truthful man, he has a strange way of showing it.

"WINNIPEG, 15th June, 1881.

"SIR,—I find your name purporting to be subscribed to a petition against me in my official capacity as the Chief Justice of Manitoba, presented to the Governor General in Council—a copy of which has been forwarded to me for my perusal and observations.

"Therefore, as I have not the advantage of your personal acquaintance, and as, in so far as I know, you have never been, directly or indirectly, connected with any litigation in the Courts of this Province over which I have presided, you will be good enough to inform me whether or not you subscribed such a petition, knowing its contents; and if so, whether you have any knowledge of the allegations and charges contained in the petition—and if you have, what and on what evidence based and founded, giving full particulars. Awaiting your reply,

"I am, Sir, your obedient servant,

"E. B. WOOD.

"F. T. BRADLEY, Esq., Emerson."

"EMERSON, MAN., 17th June, 1881.

"SIR,—I have the honor to acknowledge the receipt of your letter of the 15th instant, asking for full particulars as to certain allegations contained in a petition against you subscribed by myself and presented to the Governor General in Council, a copy of which has been forwarded to you for your perusal and observations.

"As you have omitted to enclose me a copy of the petition to which you refer, I regret that I am not in a position to give you the desired information.

"I am, Sir, your obedient servant,

"F. T. BRADLEY.

"Hon. E. B. Wood, Winnipeg, Man."

"WINNIPEG, 18th June, 1881.

"SIR,—I have your favor of the 17th instant in reply to my letter to you of the 15th instant, in which you say you cannot answer my letter without a copy of the petition.

"I innocently assumed that you would know what the petition contained before you signed it, and would recollect the most grave charges against a high judicial officer, to the truth of which you had subscribed your name. In this, it seems, I am mistaken. I hope you will pardon the oversight, I hasten to correct the error.

"I herewith enclose to you a copy of the petition in question forwarded to me by the Secretary of State for Canada.

"You will now be in a position to reply definitely and distinctly to my letter to you of the 15th instant. Be good enough to do so at your earliest convenience.

"Your obedient servant,

"E. B. WOOD.

"F. T. BRADLEY, Esq., Emerson, Manitoba."

"EMERSON, MAN., 21st June, 1881.

"SIR,—I am in receipt of your letter of the 17th instant enclosing a petition addressed to His Excellency the Marquis of Lorne, Governor General of Canada, in Council, in which you state that you innocently assumed I would know what the petition contained before signing it, and would recollect the most grave charges against a high judicial officer, to the truth of which I had subscribed my name.

"Reverting to your prior letter now before me, I would say, in my opinion the questions therein submitted should be given and answered before that tribunal who have requested of you your perusal of the petition and observations thereon, and not demanded by the accused from an alleged petitioner.

"For your information, however, I would say that I have not to my knowledge signed any petition addressed to His Excellency the Governor General in Council reflecting in any way upon your character.

"I am, Sir, your obedient servant,

"F. T. BRADLEY.

"Hon. E. B. Wood, Winnipeg, Man."

Just a month after the receipt of the above letter without any intercourse, directly or indirectly, by letter or otherwise, I received from Mr. Bradley the following letter:—

"EMERSON, July 21st, 1881.

"DEAR SIR,—While I have not felt called upon to answer certain questions submitted to me by you in regard to the allegations preferred in a petition to Parliament assembled, I may say that I have not signed the petition to which my name is attached, in its entirety, as many accusations contained are not known to me, and must have been inserted after signature.

"My only desire in signing the petition was in view of investigation of those charges circulated against you in the discharge of your duties.

"F. T. BRADLEY.

"Hon. E. B. Wood, C. J."

I have nothing further to say of Mr. Bradley, I cannot speak of him as I think he deserves, without transcending temperate expression; and I, therefore, leave him to the judgment of His Excellency in Council.

One thing seems apparent, in this matter he was a mere instrument in the hands of Mr. Clarke. Another thing seems apparent, this petition which in a private and public point of view is of vast moment—to me, a matter of life and death—to suitors in Court, of rights and property, and may be of reputation, which is more dear than property, of liberty and even life, and a shock to the moral sense of the whole world is got up by Mr. Clarke, purporting to be deliberately signed by the apparent

signatures, but was not so signed by one of them at least, may be, and probably was by none except Mr. Clarke, and it is in fact a forgery. I understand Mr. Bradley to mean this: He signed something, he knows not what (called a petition), on a half sheet of paper, consisting of more than one-half sheet; this half sheet of paper on which he placed his signature, if placed there at all has been detached, and attached to other and different half-sheets, containing other and different matter; or other half-sheets have been inserted, added to or substituted, containing other or different matter. If this be true, in a matter so important as that of which this petition treats, it is at least a moral offence of the very greatest magnitude--it is a forgery! It is a fraud! I leave this matter to be settled by His Excellency in Council with Mr. Clarke and Mr. Bradley. As regards the petition, it all comes to this, Mr. Clarke is in truth the sole petitioner, and the commencement of the petition: "The petition of the undersigned," etc, is a cheat and a fraud.

Henry J. Clarke I found in Winnipeg when I came here, in June, 1874. The Queen's Bench was then sitting as a Court of Oyer and Terminer, &c., and Mr. Clarke, the Attorney General was acting as Crown prosecutor. At this Court an incident occurred in connection with Mr. Clarke which created an unpleasant impression on my mind. I found on file for trial, among other indictments, five indictments which the Crown had postponed from Court to Court, namely, the Queen against George N. Merriman, kidnapping Gordon Gordon; the Queen vs. Gordon Gordon, forgery; the Queen vs. Gordon Gordon, perjury; the Queen vs. Lorin Fletcher, kidnapping; the Queen vs. William J. Macaulay, accessory after fact to kidnapping. I examined the charges in these indictments, and looked to see what witnesses were indorsed on the back of the indictments, and inquired where those witnesses were. I was informed that they were in Court, or could be produced in a few minutes. I then asked Mr. Carey, who was then acting for the Attorney General and under his instructions, if the Crown was ready to proceed with the cases, and if not, why not? He replied that the Attorney General was not ready to proceed; and moreover, that the day previous when Mr. Justice Betournay was on the Bench, the cases had by his order been put off to next Court, and the bail respited. Counsel for the defendants respectively denied that they had had notice of the motion; nor were they, as they claimed, present when anything of the kind took place; and they protested against the further postponement of the cases. No note of the alleged order was produced, Mr. Carey saying it was arranged between Mr. Justice Betournay and the Attorney General, who, as he alleged, was not very well that morning, and was not present in Court. I think this was the last day of the sittings of the Court. I selected one indictment in which it was admitted that the witnesses for the Crown were in Court. The Queen vs. Macaulay, the defendant being a large lumber manufacturer in Winnipeg, and I ordered a jury to be called. Mr. Carey, the Clerk, hesitated. I peremptorily ordered a jury to be called, and sent a constable as a messenger for the Attorney General. The jury was empaneled. The messenger for the Attorney General returned, but without the Attorney General, and conferred with Mr. Carey. Mr. Macaulay was ordered into the criminal dock, for it was a felony with which he was charged; and the jury, I believe, were sworn when Mr. Carey arose and said he was instructed by the Attorney General, on behalf of the Crown, to enter a *nolle prosequi*, and the four other indictments were disposed of in the same manner. It struck me at the time that these indictments were procured and kept hanging over the heads of the persons indicted for an improper purpose, derogatory to the honor of the Crown, and I so expressed my impression at the time in open Court, and subsequent information and facts have converted that impression into a conviction.

Mr. Clarke shortly after left Manitoba and took up his residence, as it was reported, in California. He returned to Manitoba in the autumn of 1877, and opened a law office, and commenced the practice of the law, but his chief business was in and about the police courts, presided over by the puisne judges. Mr. Clarke's practice before me was chiefly in criminal trials on indictments, in which he was counsel for the accused. We did not get on pleasantly. The cause was his ignorance of

law, and particularly of the law of evidence or mine. A notable instance of it, that I now recollect, occurred in the case of the Queen v. Henriette Anderson, at the sittings of the Assizes in October, 1877.

At the opening of the Assizes, when the Grand Jury were called to be sworn, Mr. Clarke arose and asked the attention of the Court. He said that he was retained as counsel for Henriette Anderson, against whom a bill of indictment for infanticide was to be preferred at this Court, which would come before the Grand Jury for their consideration; and that he was advised and believed the panel of the Grand Jurors was defective and illegal, and, therefore, he challenged the array of Grand Jurors; and he desired that I would note his motion, and take down the particulars of his motion. I declined to do so; but I informed him what the practice in such cases was—that he must file his grounds of challenge in writing, in the form of a declaration, and then counsel for the Crown could either demur or traverse it. If there was a joinder in demurrer, I would hear argument and dispose of it at once; if issue in fact were joined, evidence would be heard by the Court, and the issue disposed of according to evidence. I gave him a-half hour to prepare his declaration, and he prepared what he said he thought contained a statement of sufficient facts to validate the array, which he read to the Court and it was ordered to be filed. The counsel for the Crown demurred, and Mr. Clarke joined in demurrer. The demurrer was argued; I gave judgment for the demurrer, very much to the dissatisfaction of Mr. Clarke, who apparently did not attempt to conceal his disappointment. My judgment was in writing and is now on file in Court; and a copy of it is subjoined to these observations on the third paragraph of Mr. Clarke's petition, marked F. As I recollect, the chief objections to the array were, that the Christian names of the jurors were not spelled in full, or spelled by contraction, as "J. W. Primrose, Wm. Dick, Alex. Smith," &c., and the names of the places of residence were indicated by contractions, all of which, however, are pointed out in the judgment.

I will mention another incident which, I think, occurred at the same Assizes, in the Queen vs. Dapas, in which Mr. Clarke was counsel for the prisoner. A witness for the Crown was examined and gave his evidence in chief. Mr. Clarke, on cross-examination, asked the witness: "Was he present at the preliminary examination before the magistrate?" He answered: "Yes." He asked him had he anything to say? "Well," says Mr. Clarke, "what did the prisoner say?" Here I interposed, and said to Mr. Clarke: "Surely you do not mean to contend that what the prisoner then said is evidence to be given here, to-day, in his own behalf?" He answered: "Yes, I do, and why not?" I replied: "You can't be really serious, Mr. Clarke, and we have no time for trifling; I rule that such evidence cannot be received." He answered: "Well, I can accomplish the same thing in another way." He then took the depositions taken before the magistrate, and asked the witness if the name subscribed to the depositions was in the handwriting of the justice. He was answered in the affirmative. He then asked, "Was the name subscribed to the statement of the prisoner in the handwriting of the prisoner?" The witness said it was read over to the prisoner in his presence, and he saw the prisoner sign it. Mr. Clarke then giving a glance at the Bench, turned with an air of triumph to the jury and commenced reading the statement made before the magistrate to the jury. I stopped him and said I did not propose to have any more trifling, that I could not think him serious in what he proposed to do; and that it was my duty to see that every trial was conducted according to law; that he would see even by looking at the Statute that, recognizing the law, it prescribed a warning to the prisoner that he need make no statement unless he liked, and that his statement, if made, might be given in evidence against him, but it nowhere says for him; and for the best of all reasons, it would make a prisoner a witness in his own behalf—no less absurd, nay, more absurd, than now to put the prisoner in the witness box to give evidence in his own behalf, for in such case he might be cross-examined, in the other there was no responsibility of even cross-examination. Mr. Clarke replied that he was astonished at the ruling of the Court, that he could produce plenty of authorities to show that what he proposed to do was the correct rule of law, and that he



had been twenty-five years practising at the bar and had never before heard it questioned; and that the authorities and his learning were to little purpose if he was to be ruled out of a proper defence for the prisoner in this fashion. I answered that it was arrant nonsense to talk about authorities sanctioning such a course of procedure—there were no such authorities, none could be produced—and as to his experience of a quarter of a century at the bar, it seemed he would have to spend another quarter of a century, and be a better student than he had been in the past twenty-five years before he would “be able to come to the knowledge of the truth” in the elementary principles of the law of evidence. Mr. Clarke professed to be highly indignant, and requested, in not very civil terms, that I would note his tender of this evidence and my rejection of it. I said I would do so if he demanded it, but for the sake of his reputation as a lawyer he had better not insist on my disfiguring my notes with such an absurdity.

In the month of February, 1878, following, there was a trial before me under the “Speedy Trials Act,” (without a jury of course) of the Queen vs. Woolner. As one of the witnesses for the Crown was proceeding with his narrative, and to connect the same, mentioned that the prisoner told him that the next day, on Monday morning, he was going to one Mr. Hay to do some work, and the felony in the meantime having been discovered, he went to Mr. Hay’s and asked if the prisoner had been or was there, and he proceeded to say that Mr. Hay said he was not there and had not been there. To this Mr. Clarke objected on the ground that it was hearsay evidence. It was not material to the issue at all, and I had not taken it down; but it was merely in the way of connecting in the mind of the witness his narrative. I explained this to Mr. Clarke, and reminded him that there was no jury to be misled, and that I had not taken down what the witness said Mr. Hay had told him. Mr. Clarke replied that he protested against hearsay evidence being allowed and received by the Court, and wanted his objection noted. The thing seemed to me supremely ridiculous, but I noted the objection, and remarked that hearsay evidence was objectionable as had been ruled in the notable case of *Bardwell vs. Pickwick*. “Yes,” said Mr. Clarke, “it was that case I had in my mind.” The trial then proceeded, and resulted in a verdict of guilty. Unfortunately for me, as it seems, some law students were in the Court room when the incident occurred, and reported it, and it came to the ears of Mr. Clarke; and some amusement was had at Mr. Clarke’s expense over the authority of *Bardwell vs. Pickwick*, and Sam Weller’s, “Oh, quite enough to get, Sir, as the soldier said when they ordered him three hundred and fifty lashes;” and the sharp reproof of Judge Scarlet: “You must not tell us what the soldier or any man said, Sir, it’s not evidence.” I understood Mr. Clarke felt himself highly insulted when he really comprehended the allusion to *Bardwell vs. Pickwick*, and expressed himself very bitterly against me for the playful allusion.

Another incident came to my notice judicially in the month of January, 1878. There were in Winnipeg some six or seven Chinese, who all lived together and carried on the laundry business. One evening it seems they had a quarrel, and one of them went to a magistrate and laid an information against the others for robbery, and the others did likewise. They all were, by the Chief of Police for the Province, Mr. Richard Power, arrested and put into gaol. They were brought before the late Mr. Justice McKeagney, acting as Police Magistrate. He could make nothing of the charge, as none of them could speak or understand English, and no interpreter could be obtained; and it appeared to be a sort of family quarrel among themselves. It appeared when Richard Power arrested them, he searched them and found on them several trinkets of valuable jewelry and five twenty dollar gold pieces. The next morning early Mr. Power was obliged to leave for Portage La Prairie on important business; but before leaving he handed to an assistant officer, Mr. Huston, the money, &c., he had taken from the Chinese (explaining the matter), to be produced and deposited with the Clerk in Court, when the Chinese should be brought up for hearing. In some way Clarke found out that Huston had this money; and under pretence of a fee for defending them, although he could not understand or speak the Chinese lan-

guage, nor could they speak or understand English, he got from them an order on Huston for these five \$20 gold pieces, he presented the order to Huson and persuaded him to hand them over to him. Mr. Justice McKeagney subsequently brought this transaction to my notice as Chief Justice. I told him it was his duty to order the money to be paid back into the custody of the law to be subject to the disposition of the Court under the Statute in that behalf. He said he had so ordered already, but Clarke had put him at defiance, and that he was afraid of his life should he go any further. I told him I should be deterred by no such consideration, and if the matter could be judicially brought before me in any way, I would make short work of it. Mr. Clarke heard the opinion I had expressed about the matter, at which I was informed he was very indignant, and used threatening and abusive language.

The criminal proceedings in the Chinese matter ended in nothing, but the "poor heathen Chinese" never got back his five \$20 gold pieces from Mr. Clarke.

In the month of May, 1879, one Rimer was arrested by David B. Murray, the Chief of the City Police, on information from Toronto, Ontario, that he had, in Toronto, in the month of November preceding, committed forgery and fled the country, with considerable money, the fruits of his crime, and he found on him some \$900 or \$1,000 which he took from him, and at once by telegraph he communicated with the Police of Toronto, and received a reply "to hold prisoner until a special officer with a warrant could reach Winnipeg." I was made aware of the arrest of Rimer and considerable money being found on his person from the city papers. In order to justify Rimer's detention in gaol until the officer could arrive from Toronto, it became necessary to bring Rimer up to be formally remanded for eight days, and as I happened to be at the Court House on the Bench, I was asked to permit him to be brought before me for that purpose, to which I assented, and he was accordingly brought before me. I explained to the prisoner for what purpose he was brought up before me, and what it was my duty under the circumstances to do. A large concourse of professional gentlemen and other persons had gathered in the Court-room, and among them I noticed Mr. Clarke. When I had explained to the prisoner for what purpose he had been brought up, and my resolution to remand him for eight days, and was directing Mr. Marston, the Clerk of the Police Court to make out the warrant for remand, Mr. Clarke rose and said that he was retained as counsel for the prisoner, and that he had to state that there was no evidence before the Court to justify a remand. I replied that I thought differently, and must act on my own convictions of duty. On Mr. Clarke's intervening, it recalled to my mind the "Heathen Chinese" money matter, and I enquired of Mr. Marston, if any money had been taken on the prisoner, and if so, was it deposited with him? He replied that he understood quite a large sum had been taken from the prisoner, but that the Chief of Police, Mr. Murray, had not handed it over to him. I told him he was the proper depository, in the meantime, of the money; and Mr. Murray must be sent for to bring the money and everything into Court, and deposit it with the clerk; and that I should go no further till that was done. A messenger was accordingly sent for Murray to bring the money, &c. After a few minutes Murray came in with the money, &c. He said he had in money, as I recollect, from the prisoner, upwards of \$900, consisting of sovereigns, Bank of England notes, some other bank notes, and some silver; but he said Mr. Clarke had presented him that day with an order from the prisoner for \$200, which he had received but not as yet paid, as at the time the order was presented he had not the money at his office, but had put it away in his house, and was to bring down to Mr. Clarke the \$200 when he came from his dinner. He said if this \$200, for which he showed the order, was taken out, there would be some seven hundred odd dollars. My "righteous indignation" may be imagined. I said: "Not a dollar of the money is to be touched by any one;" and I expressed "my surprise at the daring and dishonorable conduct of Mr. Clarke as a professional gentleman in his attempt at inveigling money from an officer of the law in this fashion." Mr. Clarke attempted a defence of his conduct on the ground, as he said, that the money was the prisoner's, and the prisoner gave him, as a retaining fee, an order on his own money, as he had

a right to. I answered, I must confess with warmth: "For aught I know the money may be the prisoner's, but I strongly suspect it is not. That has nothing to do with the matter. The law has laid its hand on the money, not for the purpose of transferring it as a counsel fee to the prisoner's counsel, but for the purpose of securing its delivery to the rightful owner. It is another attempt to do what, to the disgrace of the administration of justice, was successfully accomplished in the case of the 'poor Chinese.'" I added: "I can only say if it had proved successful in this instance, I should have felt it my duty to visit so flagrant a breach of right and law with marked and signal punishment. Happily, by accident, it has turned out that I am relieved from that unpleasant duty." Astonishment and disgust were depicted on every countenance except that of Mr. Clarke. He looked pale and trembled—evidently with anger, for to shame he is a stranger.

This Rimer was successfully transported to Toronto, was tried, convicted, and is now in the Kingston Penitentiary.

Many more instances of unprofessional and disreputable conduct might be given, but I must, for fear of tiring, forbear.

I now come to civil cases. I will give one or two as illustrations of the general character of all cases brought before me, in which Mr. Clarke was concerned, either as counsel or as a party. Those in which he was concerned as party will probably be most significant. *Ab uno disce omnia.*

The case of Power vs. Clarke is a fair specimen of the cases he brought before the Court as attorney, or which were brought before the Court of which he was a party, plaintiff or defendant. This is a recent case, and I, therefore, select it out of many like it, because it is recent, and because he complained bitterly of my judgment, and moved Mr. Justice Dubuc for a new trial, which he refused; and because it constitutes, as rumor says, one of his chief grounds of grievance against me. The action is in the County Court of Selkirk, and came on for trial before me for the sittings of the Court at Winnipeg, on the 10th of February, 1880. I gave a written judgment on deciding the case. I think the decision is correct. I have no doubt about it. I crave a careful examination of that judgment which contains all the evidence in the case, and the grounds of decision. This decision gave great offence to Mr. Clarke. Let it be carefully examined, and an opinion formed from this judgment of Mr. Clarke's ideas as to the correct, fair and honest administration of justice. A copy of the judgment is subjoined to these observations on the third paragraph of the Petition marked G.

The next and only other case I shall mention is Dahll vs. Clarke. This is an extraordinary case, and suggests the utter depravity of Mr. Clarke. It was commenced in 1880, and not determined till late in the autumn of that year. It was protracted, waiting, at the instance of Mr. Clarke, for evidence on his part, but none was ever given or offered. It finally came on for judgment in November. I pronounced the judgment of the Court. A few days after, I understood Mr. Clarke, in the course of a public speech at St. Andrew's dinner, with outstretched arm, declared that he, in three weeks, would be in Ottawa, and would see whether or not Manitoba was to be longer inflicted with downright corruption in the administration of justice by one man, at the same time stating he had the greatest confidence in Mr. Justice Miller, who had then just come to the Province, and in Mr. Justice Dubuc, both of whom were present. He was, no doubt, smarting under the judgment of Dahll vs. Clarke, which a few day previous had been pronounced. A copy of this judgment is subjoined to these observations on the third paragraph of the Petition marked H.

I solicit a careful examination of this judgment. It contains the substance of the bill of complaint, the answer, and the entire evidence.

It is to be noticed that all the persons who purport to have signed this petition, except Mr. Clarke, are resident out of Winnipeg, sixty or one hundred and fifty miles or so, and in so far as is known, never have had any litigation in our Courts, and that no member of the Bar, or person having, or concerned in any litigation in Winnipeg, or out of Winnipeg, except Mr. Clarke, has subscribed this petition; it is fair, therefore, to assume, and, no doubt, it is the fact, that this petition was entirely

got up by Mr. Clarke, who, failing to get a solitary individual in or around Winnipeg, where all the litigation of this Province has been carried on, except the sittings of the county court outside, who have been concerned professionally or as a party in any legal proceedings, to sign his petition, wheedled and induced, or himself put to it, the signature of persons who either knew nothing of its contents, or nothing of the purpose aimed at by Mr. Clarke, or were careless or indifferent as to the consequences. It becomes, therefore, a matter of the first moment to know who this Mr. Clarke is, when he launches forth such charges, in a general way, as these are contained in the third paragraph of his petition, against a high judicial officer of the Crown; resting as they do, upon his own individual and personal character, I have already stated facts which lay a foundation for his personal hostility to myself. Many more if it were thought necessary might be added.

With the view of informing His Excellency in Council what kind of character this Mr. Clarke bears, I clip from the *Manitoba Free Press* of the 16th of November, 1878, the following outline of his biography in Manitoba. It was published and spread broadcast over Manitoba and all Canada; and in not a single material statement or paragraph, in so far as I know, has it ever received a contradiction. The only defect in the biography is, it seems to me, that the dark shadows of his moral character have been too faintly drawn, his iniquity and moral depravity have not been sufficiently developed, they have been touched with too light a pencil, with a faltering hand:—

MANITOBA FREE PRESS, DAILY EDITION, SATURDAY, NOV. 16, 1878.

*H. J. Clarke.*

The subject of the following sketch is one that we had hoped we should never again have been called upon to make any reference to. We desired to have kept our columns as free of his name as do respectable people who know what he is, keep their houses of his person. But we feel that the exigencies are such that we should not be discharging our duty did we withhold from the people of this Province, many of whom, by reason of their late arrival, are not familiar with his character and doings, an outline of the same. Armed with a smooth and voluble tongue, it would be no matter for surprise that he should make a very favorable impression where he is unknown. In the interest of public morality we lay this sketch before the electorate, especially at Rockwood:—

Henry Joseph Hynes Clarke, as with gusto in those days he subscribed himself, landed in Manitoba in the year 1870. Following close upon his arrival he was elected a member of the first Manitoba Legislative Assembly of the Province, for the Parish of St. Charles, and made Attorney General in the first Government. During the fourth and last session of the first Parliament, the Government was defeated. So soon as the succeeding Government were able to analyze the public affairs they discovered that the capital account of the Province had, during his short term of office, been reduced \$158,386 or, in other words, the subsidy had been impaired to the extent of \$7,919.30 per annum. An investigation, as far as it was practicable, showed that a most prolific cause of such a result was a process of

#### *Legal (1) Public Robbery*

which had been carried on by the Attorney-General in his department of the administration of justice. The vote and voice of the people, as expressed in Parliament, had been absolutely disregarded. For instance, the year 1872 Parliament voted \$4,000 for this service, and Attorney-General Clarke expended \$9,645.17; for 1873 Parliament voted \$12,000, while he spent \$23,562.11. The way in which this expenditure was made to so much exceed the estimate, and to the advantage of the head of the department, was, to say the least, ingenious. He managed to appropriate the public funds in large amounts by two modes

*Secret Service and Indictments.*

During the year 1873 he succeeded in drawing from the public treasury \$10,835.10; and during the half of the year 1874 that he remained in office he secured \$4,205.50, from the same source. The secret service part of the item is generally considered to have been "clear gain"; at least since Clarke left office it has not been found necessary to spend one dollar in any such business; while Attorney-General he performed the functions of Crown prosecutor, and as such secured to himself \$25.00 for every indictment he obtained. To make this "branch" as remunerative as possible, his plan was to have almost every person accused of one substantial offence indicted from three to half-a-dozen times. One or two instances by way of illustration will suffice. At the September, 1873, term of the Court of Queen's Bench, an Indian was charged with burglary, for which he was indicted no less than four times as follows:—house breaking; larceny; stealing money; feloniously breaking and entering a house and stealing therefrom. The case at a subsequent stage broke down on the first indictment, and the accused was discharged. At the same term of the court two persons who had already suffered a term of imprisonment, and were known to be then in the United States, were indicted no less than six times each. The reports of all the courts of those times are but a repetition of this sort of thing; and the instances in which an accused individual was indicted only once are very exceptional. Ninety per cent. of these indictments served no purpose whatever in the interests of justice, they only benefitted Attorney-General Clarke to the extent of \$25.00 each, at the expense of the country. The monstrousness of this mode of proceeding is rendered abundantly manifest by the comparison that when Clarke had the conducting of the Crown business it cost the country, as we have shown, \$25.00 for each indictment, while since he was deposed, notwithstanding the rapidly increasing population, not one dollar has been "appropriated" under the item of secret service, only \$5.00 each has been paid for indictments, and the conduct of the Crown business has cost only about \$1,000 per annum, \$3,101.60 being the amount for the three years ending at the close of the last fiscal year.

*To Make Money,*

no matter how, was evidently the prime aim of Attorney-General Clarke. The big "hauls" were, of course, taken from the public chest, as shown. But he evidently allowed no other opportunity to gratify this ambition to pass without attempting to improve it. Many of the readers of the *Free Press* will remember the name "Lord Gordon." These do not need to be reminded that in 1873, an attempt was made to unlawfully convey him to the United States. The attempt, it was alleged, was aided by certain prominent and wealthy Americans that were here at the time upon other business, and they were arrested. These gentlemen being friends of Mr. W. J. Macaulay, of this city, he very naturally interested himself in the case. The whole of the details need not be related; but we have by us a printed sheet issued from Ottawa shortly after the occurrence, which is a recital of the whole affair under the oath of Mr. Macaulay; and it certainly discovers one of the grossest attempted outrages by a public officer extant. It is a case in which the Attorney-General offered to

*Barter Justice for Money,*

and to commit the very offence for which he was then prosecuting others. Mr. Macaulay in this affidavit says: "While in the Attorney-General's office on the night of the 4th, he said he wished to make me an offer and wanted it to be in strict confidence." He commenced by saying: "Mr. Macaulay, you know that I am a poor man, I want money, and if your friends will guarantee me say \$25,000 I will resign as Attorney-General and agree to have Gordon Gordon in New York within twenty days." The affidavit then proceeds to relate how Clarke, through another party, tried to sell the accused persons a property worth not more than \$3,000 for \$16,000, in consideration for which he would accept "a man of straw for bail," under which they

might get out of the country. However, he failed in all his negotiations; and because Mr. Macaulay did not try to promote Clarke's views in this connection, he formulated a criminal charge against him. Nor did his attempts in this line end here.

*"Lord Gordon"*

was reported to be wealthy, and Clarke seems to have tried to prosecute him into coming down with his "contributions." Accordingly, upon a series of trumped-up charges, he had him pursued into the North-West Territories, whither he had gone for a hunt, illegally arrested, brought back to Winnipeg, incarcerated, and indicted twice. Immediately that Gordon was arraigned he appealed to the Court in these terms: "My Lord, that Counsel (pointing out the Attorney-General) tried to extort from me ten thousand dollars, and because he failed I am locked up here." Gordon's subsequent explanations, which were abundantly probable, from collateral circumstances, were that upon his being put in the jail, Clarke met him in his cell and demanded of him \$10,000 under pain of being handed over to the United States authorities.

*Clark's Politics.*

Those who were resident in the Province during the first four years of its existence should need no enlightenment upon this point. He was pre-eminently a time and self server. When he got control of affairs, the French-speaking people were in a position to dominate, and so long as he was tolerated by them, his manifest determination was to subordinate the rights of all others. The Ontario emigrant was his *bête noir*. His legislation was so devised as to give the new-comers as little say as possible in the affairs of their adopted country; and his public utterances were calculated to be as offensive to them as possible. During the 1872 Session of the Legislature, Clarke introduced a Bill for the registration of voters which excluded from the franchise all persons coming to the Province until they had been here three years. But, opposed by Hon. D. A. Smith, he was forced into a modification of this high-handed attempt to "clip the wings of the Ontario people," to use a favorite expression of his own, in those days. On questions of both principle and sentiment he went the most extreme lengths against the English-speaking new settlers in his mad and reckless, but ultimately vain efforts to keep the solid French support. In 1872 the Ontario Legislature, it will be remembered, offered a reward of \$5,000 for the conviction of those who took the life of Thomas Scott, at Fort Garry in 1870. The Manitoba Legislature was sitting at the same time, and when word was received here of the actions of the former body, Attorney-General Clarke brought before the House a resolution of condemnation upon the Legislature of Scott's native Province for their action in this matter. He did so in a speech most outrageous to the feelings of the handful of Ontario people then there, knowing that they were numerically powerless to resent. He designated the Scott murder cry as nothing more than a "hobby horse" of Ontario. He characterized the action of the Ontario Legislature as "nothing less than a piece of impertinence," adding, "the passage of the resolution proposed would give them the snub." In the course of the debate that ensued he said: "It will be seen that Riel, who has been made the scape goat for the whole of what was done and left undone then and for years past was not to blame. He was a man who when chosen stood forward, becoming the mark of all." At another time the question of the 69-70 rebellion came before the House, when Clarke said: "He was prepared to justify their every act, save one, of those commonly called rebels; and that one had been used to its utmost by their enemies. If he had been a resident of the country he would have been a rebel too." After the House rose on one of those occasions a number of the members were assembled in one of the offices, having what is commonly called a "good time," when Clarke, in a moment of supreme gush, dropped on his knees before those assembled, and called God from heaven to witness his declaration that before any person could harm one hair of Louis Riel's head, they should have to walk over his (Clarke's) dead body. However, there was

### *A Turn in Affairs.*

At the opening of the fourth session it was evident that he and the French speaking party were two. The Roman Catholic dignitaries and clergy, whom he had hitherto affected to believe perfectly immaculate, he went far out of his way to refer to in most offensive and insulting terms; and the French speaking element, which before he had labored to keep supreme at all costs, he was prepared to put out of existence entirely had he the power.

### *Why this Change?*

He was the central figure in a social and domestic scandal, which, fortunately for society, as an outrage on public morality, and for inhumanity, seldom had a parallel in a Christian community. His mother church would not tolerate his conduct, and knowing that the day was rapidly approaching when the English speaking people must become dominant at any rate, he turned his back upon his quondam friends, and set about to make up with those whom he had so enormously abused hitherto. But they would have none of him; and he was driven from office by the concentrated action of French and English.

### *A Heart Rending Tale*

Indeed, is the barest outline of this man's perfidy to a woman who, at the time of writing, is lying upon a sick—perhaps dying—bed at the Grand Central Hotel in Winnipeg. That woman, several years ago, he made his wife. At the time, she was possessed of a large amount of money. Actuated by the whole confidence of a devoted wife, she gave him control of her property; and in a very short time, save a comparative trifle she had retained, it was all lost in some wild speculation in Montreal. In 1870, as before related, he came to Manitoba, flourishing the name of Henry Joseph *Hynes* Clarke; Hynes was the maiden name of his wife and he incorporated it with his own; but he has dropped it now. Yes; he has dropped the name and abandoned her from whom he took it. When he came to Manitoba he left his wife in Montreal, with the understanding that at an early day she was to follow. He took up a home in Winnipeg with a highly respectable private family, with the members of which, by means of his oily tongue and *suave* manner, he soon established himself most favorably. The Government of which he was a member having some bridges to construct in distant parts of the Province, and his host being a practical man was entrusted with the work, which necessitated his absence from home for considerable periods. During his absence Clarke was sapping the foundations of his domestic happiness and ruining his home by weaning from him the affections of his wife. Returning home upon one occasion he found his wife not there, and was told something to the effect that she had been sent for by friends in the east and had gone to visit them, Clarke explaining that he had lent her the money to go with. This seemed satisfactory. A short time after Clarke left to visit Montreal, and in due course suggestive stories were brought home by those who had met the Attorney-General and the woman last referred to, travelling in the United States. Little by little the full truth forced itself upon the master of the house in which Clarke had found a home, his wife had deserted him, and taken up with his guest. Clarke, however, turned up in Montreal and met his wife; but she at once detected something very different in his manner to that of old. Some time after she came to Manitoba with him; but it was only after patiently suffering unkindness at his hands for more than a year that she came to understand the true state of affairs. That may be briefly told. Clarke was keeping up an affectionate (!) correspondence with his later attachment, and supplying her with money for sustenance, while his loyal and once happy, but now wretched, wife was suffering more and more ill-treatment from him. In 1874, Clarke was voted out of office, and he immediately left the country with his ill-gotten gains from the public treasury, deserting his wife entirely. It soon became generally known that Clarke and the wife whom he had seduced from her husband, were living as husband and wife on the Pacific Coast, and luxuriating on mis-appro-

riated portions of the Manitoba subsidy. Wealth illy acquired, however, is seldom abiding. So it was in this case; and then, forsooth, in 1877, as though Clarke had not made his poor deserted wife suffer enough, and as though the woman he had robbed her husband of, had not sufficiently wrecked him by her conduct, they came back to Winnipeg to brazen out their shame in the very community where were residing the particular victims of their infidelity. The outraged husband has since fled from the scenes of earlier and happier associations—before the despoiled of his household had crossed his threshold—and taken up his abode in the farther west; and the broken-hearted wife, utterly hopeless of comfort this side of the grave, is pining away and hastening beyond that bourne whence no traveller returns. But, thus far, their determined efforts to force themselves into respectable recognition has utterly failed, and they are righteously surrounded by a social atmosphere of supreme contempt. Clarke has, ever since his return, been trying to get into public life again, and has knocked at the door of nearly half-a-dozen constituencies, one by one of which gave him to understand the same as the respectable householders of Winnipeg—you cannot pass our portals. St. Agathe said no, St. Vital said no, St. Anne said no, St. James said no, and now, having utterly failed in these old settlers' constituencies, he is knocking at the door of Rockwood, a division inhabited by Ontario people—the class of all others to whom his public career was most obnoxious—and, for their good name let us hope, whose moral sense is not less acute than that of their fellow citizens in the constituencies named.

Yet this Mr. Clarke, whose life is stained with every wickedness and whose character is black with every infamy, unredeemed by a single virtue, presumes *ex cathedra, pro bono publica*, to arraign the Chief Justice of Manitoba for being “so notoriously partial, dishonest and unjust in his judgments and decisions, that suitors in the said Court know and feel that their rights are not safe, and the people of the Province of Manitoba have no confidence in, or respect for, the judgments or decisions, &c.”

To me it was incomprehensible how, in the House of Commons, of which I had been for several years a member, and to many of whose members, at present constituted, I was well known, a member could be found to present such a petition. But I have learned how this was brought about. After trying for a long time, without success, to get a member to present the petition, Mr. Clarke at last hit upon this scheme. He went to Mr. Royal, an old enemy, and told him, if he would present this petition to the House of Commons, he would forego having certain papers, exposing Mr. Royal in the Indian Commission Investigation *in re Provencher*, moved for in the House. Mr. Royal accepted the overture and presented the petition. This statement is based on a current rumor at the time, which has received no contradiction; and the following correspondence between Mr. Thibeaudeau, a respectable barrister of eight or nine years standing in Winnipeg, and myself:—

“WINNIPEG, 17th July, 1881.

“DEAR SIR,—It has been intimated to me that Mr. Clarke, when he came up from Ottawa, last winter, to get signatures to his petition against me, showed the petition and asked your signature to it; and upon your refusing to sign it, you remarked to him that you did not believe he could get any member of the House to present such a petition; and, that he replied, that he had already arranged that. In consideration of his (Clarke's) undertaking and agreeing to forego and to abandon having certain papers, exposing the frauds of Mr. Royal, developed in the Indian Commission *in re Provencher*, moved for and brought down to the House, Mr. Royal had agreed to present the petition—that he had that all fixed.

“It seems that subsequently, after Mr. Clarke's return to Ottawa, Mr. Royal presented the petition.

“Will you be good enough to inform me what communications (if any) on this subject Mr. Clarke made to you.

“I am, Dear Sir, your obedient servant,

“W. B. THIBAUDEAU, Esq., Barrister, &c., Winnipeg.”

“E. B. WOOD.



## REPLY.

“ WINNIPEG, 19th July, 1881.

“ DEAR SIR,—I beg to acknowledge the receipt of yours of the 17th instant, and in reply have to state,—

“ In the early winter of 1880, Mr. H. J. Clarke openly stated, that the object of his then proposed trip to Ottawa, was to have the matter relating to Mr. Royal's connection with the Provencher Indian investigation brought before the House of Commons, and to have him prosecuted and expelled from the House. No one could speak more bitterly of another than he did of Mr. Royal.

“ On his (Clarke's) arrival from Ottawa, in the winter, he asked me to sign the petition against you, which I declined doing. I suggested that he could get no member to present it. He answered: ‘ That is all right; Royal will do it, if I will not press the Provencher charges against him.’

“ I did not regard his conversation as being in any way private, as it was said in such a way that any one paying any attention in the premises, could have heard what he said; and, besides, I had previously heard the same thing on the streets.

“ I have the honor to be, Sir, your obedient servant,

“ W. B. THIBAudeau.

“ Hon. Chief Justice Wood.”

Thus, it seems, these two worthies have now become friends—*pars nobile fratrum* ! As indicating what sort of a man this Mr. Royal is, and with what he was charged, in respect of which this Mr. Clarke threatened to have him exposed, I give two articles from a sort of quasi private newspaper which Mr. Clarke published in Winnipeg, for a few months, in the winter of 1878-79—a file of which, I suppose, will be found in the Library. It is called *The Manitoba Gazette*.

“ ROYAL & Co.”

“ The above named patent, outside combination is at present making most powerful efforts to secure the votes of the people at the approaching election. Royal is about among the French half-breeds, preaching to them the paramount necessity of supporting him, Joe, the Godly, if they don't want to see the downfall of the Catholic Church, the French language and the Catholic separate schools in Manitoba. Yes, says holy Joseph, if you want to uphold your holy church, your glorious French language and your Catholic schools, if you wish to defend yourselves against those who are trying to take from you all these things,—you must support the Royal Norquay government, and must elect men we recommend to you. Beware of any one or of any party that tries to divide by opposing us. Their object is to get us weakened, and then you will be blocked out.

“ Now we are aware, that in this bigoted howl, Royal is assisted only by the proclerical who are with him as their visible head, form the politico-religious ring which now controls the Province. It is useless to deny this, facts speak far louder than words. For the past eight years this man Royal has been pushed forward and sustained in power by those who know him well, who despise as a man, but who find in him just the tool they require. They know that during the last two years he has been detected in public frauds amounting away up among the tens of thousands of dollars. They know that he has been on the very point of exposure for a breach of trust of the most shameful kind, and was saved only by a silent settlement of the matter—an Archbishop indorsing promissory notes to a large amount to save his protegee from arrest at the suit of a Frenchman from Montana, who was deceived by the order of sanctity by which he found Royal surrounded, and thus fell a victim to his too great reliance on outward signs and appearances.

The Commission held here last Fall on the frauds in the Indian Bureau, disclosed a system of swindling of the most impudent and glaring kind, over \$42,000 were shown to have been stolen from the department, and in almost every case Joseph

Royal was the most prominent actor in the names of others, without their knowledge or consent. Royal made up false accounts to large amounts, signing with his own name as witness to their being genuine; got warrants and cheques from the Government in payment of such accounts payable to the order of the persons in whose names he swindled the department, and he deliberately endorsed the names on such cheques and got the proceeds from the bank here at Winnipeg. We will just give an example or two where the goods, to the amount of thousands of dollars, were found to have been sold to the Government by a man named Guy; his accounts, vouchers and receipts were produced, all duly signed with his name and certified by Joseph Royal as witness; cheques on the bank here payable to the order of Guy were presented at the bank endorsed with the name of Guy, and were duly paid. Now, before the Commissioners, Guy, under oath, swore that he never sold anything to the Government—that he never had any contract with or for the Government in his life, that he did not know how to write his name, that he never made out an account against the Government, never signed a receipt, never endorsed a cheque or received money on a cheque at the bank; that in fact he was simply a servant man in the employment of the Hon. Joseph Royal on small monthly wages. Now, every one of the papers produced, every receipt and cheque, had Guy's name forged on it by Joseph Royal, who received the money.

“The case of David Champagne is another proof of the honesty of Joseph Royal, the Godly. Here it is, Champagne and Poitras, with men and carts, were employed by the Indian Agent to take forty head of cattle to the Lake of the Woods. The amounts they were paid are: David Champagne \$72, Poitras \$40, 3 men, \$20 each, \$60, total \$175. When Champagne was summoned before the Commission what was his horror and astonishment to find that his name had been forged to a receipt for \$401! and the forged name witnessed to by the Hon. Joseph Royal, the amount stolen on this little transaction being \$226.60. But more follows: there was another charge made against the Government for the same service by Guy-forged vouchers and receipts being produced, all certified or witnessed by the Hon. Joseph Royal, and \$400 more stolen from the Indian Department, for the bringing of the same 400 head of cattle to the Lake of the Woods. Thus \$627 were actually stolen in a most infamous manner.

“We might go on through whole columns to give the details of the thefts perpetrated by the ring of which Joseph Royal was the head and ring-leader. James Tremble's name, for instance, is forged to receipts for thousands of dollars which he never got and never heard of till he was on oath before the Commissioners and had the forged papers shown to him. Joseph Royal is the man who wrote his name and got the money.

“How then can the people, who pretend to be the directors and guides of other people's consciences, how can the independent people of this Province pretend to desire a proper and honest administration of public affairs, if they suffer, not Royal only, but any manner of party men who will support a Government with Royal at the head of it. Can pure water flow from a rotten source? Can a public man who is known to be guilty of gross dishonesty be trusted with public interests? Can men like Norquay, who allow themselves to be made tools of such men as Royal, be trusted with grave public duties? These are questions to be answered by the voters and electors.

(NOVEMBER 16TH, 1878.)

*Honorable Joseph Royal and his other self N. D. Gagnier & Co.*

“Our readers have been told a little, a very little indeed, of what might be told about the various offences that have been proved against the honorable and highly respected French Canadian gentleman, who now, as he has done for the past four years, rules this Province in the interest of himself and his Grace of St. Boniface.

"We now propose to submit, for the cool consideration of the electors of this country, a statement of facts, which will prove beyond any doubt that Joseph Royal, the Godly, has been as busy cheating the people of Manitoba as he has been cheating the Indians of the North-West, during the four past years. We will to-day let in the light on the Hon. Joseph Royal, as he plunders the treasury under the name of 'N. D. Gagnier & Co.' in the stationery business, and of a 'N. D. Gagnier & Co.' in the printing business; and, as our information is given by Mr. N. D. Gagnier himself, under oath in a declaration duly sworn before His Lordship Mr. Justice McKeagney, on the 19th day of August last, we defy any kind of contradiction of our statements. On the floor of the House last Session of the Local Legislature, during the debate on Supply, Mr. Martin, M.P.P. for Ste. Agathe, when the item of printing came up, charged the Hon. Joseph Royal, Attorney General, with being personally interested in *Le Metis* newspaper, and in the printing done in *Le Metis* newspaper, and in the printing done at the office of that paper, for the Government. Mr. Royal repudiated the statement, charging Mr. Martin with stating that which he knew to be untrue, and most positively declared that he, Royal, had no interest whatever, directly or indirectly, in the *Le Metis* nor in the printing done at that office, nor had any interest in any Government printing. This he said was only another of the many slanderous assertions by the member of St. Agathe to insult him, the Hon. Joseph Royal! In fact, the Hon. Mr. Royal was foaming with anger, deeply insulted, even by suspicion of his being capable of holding contracts with the Government of which he himself was a member, if not in fact, the whole Government. Now, at the time the Hon. Mr. Royal contradicted Mr. Martin's statement, he was contradicting the truth, and in doing so he was uttering falsehoods. He knew that for years he had been doing all the printing in French and a large part of the job printing in English for the Government of which he was a member. Here is a paragraph from N. D. Gagnier's statement under oath, on that subject: '4th. That on or about the 24th day of March, 1877, the said Hon. Joseph Royal and myself under the co-partnership name of 'N. D. Gagnier & Co.,' entered into a contract with the Government of Manitoba of which the said Hon. Joseph Royal was then and is still a member for departmental printing, advertising in *Le Metis*, and for book and job work, which contract is still in full force; and tenders for which contract were prepared by the said Hon. Joseph Royal in his own handwriting addressed to Alexander Begg, Queen's Printer. Now where is the Hon. Mr. Royal's word of honor? As a member of the House he was acting the part of a cheat of the very worst kind; as a printer he charged a hundred per cent. over the real value of the work; as a member of the Government he was also a member of the board of audit, passed his own printing accounts, got his cheques payable to 'N. D. Gagnier & Co.,' or order, from his friend the Premier R. A. Davis, and after endorsing 'N. D. Gagnier and Co.'s' name on the cheques, got the money at the Merchant's Bank. Here is a sample of the accounts that were thus taken from the Province of Manitoba by the Hon. Joseph Royal under the name of 'N. D. Gagnier & Co.'

1876, Subscription for <i>Le Metis</i> .....	\$ 7 50
Stationery for office.....	174 00
do .....	600 00
Printing blanks.....	422 00
Printing.....	7,775 60
1877, Subscription for <i>Le Metis</i> .....	7 50
Stationery for office.....	714 00
do .....	1,102 80
Printing.....	4,329 71
Paper.....	61 00

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\$15,208 61

"We can only find room in the present issue for one example of the Hon. Mr. Royal's stealing under the name of 'N. D. Gagnier' with Co. left out. On the 2nd

of February last, the Government of Manitoba was charged for stationery by Hon. Mr. Royal, alias 'N. D. Gagnier' \$14.00, \$70.00, among other items of the account is this one:—

4 doz. Roger's knives @ \$20.00..... \$85 00

"Now, how did two dozen members come to require four dozen knives to begin with; and how is it that \$20.00 a doz is charged, when the same knife can be bought by retail for 80 cents? The answer to the conundrum is this: Joseph Rymal first cheated the Government of which he was a member, out of a couple of dozen of knives, on the count only, and then he cheated the Province out of at least \$40.00 on the penknives alone, for one session. We have the originals of Mr. Royal's printing accounts which our friends and the public can examine."

Here we have the character of this Mr. Royal given by this Mr. Clarke. I do not pretend to endorse the charges; but I strongly suspect that the developments, in respect of Mr. Royal, in the Indian—Provencher—investigation, were most damaging. I have no doubt he was conscious of this, and was exceedingly anxious to avoid the exposure; and gladly availed himself of the proposition made to him by Mr. Clarke to present Clarke's petition to the House of Commons, to avoid, as he supposed, Mr. Clarke getting some member to move for the papers, disclosing his alleged frauds and crimes in the Indian—Provencher—commission.

Vain hope! for I see by the Votes and Proceedings of the House of Commons, that Mr. Charlton, a few days after, put a notice on the paper for these dreaded papers, but which was too late to be reached last Session, but will doubtless be renewed next Session; and I hope it may not be so, but I greatly fear that the revelations of these papers will fasten on Mr. Royal grave irregularities, and convict him of peculation and fraud on the Crown.

With this, I am well aware the accusations against me, where they consist of specific acts, have nothing to do; but where they are general in their nature and are not susceptible of disproof by evidence of fact, but rest on the affirmation of the petitioners and the member who presented the petition to the House on the one hand, and on my denial on the other hand, it is important to know thoroughly the character of the petitioners and of the member of the House who was induced to present such a petition, and the motives he had in view and the reasons operating on his mind leading and impelling to such an extraordinary act. In the light of what has been said, I think the inference may be fairly drawn that it is at least more than doubtful if Mr. Royal was moved in this matter by a sense of right, truth or justice.

By these men and by these means is my character attacked and my reputation sought to be taken away with impunity; and, in any event, I must, it seems, submit in silence to the irreparable wrong.

From the first day I assumed my judicial duties to this day it so happens that I have not tried and disposed of a single case involving any dispute or controversy, but the evidence has been carefully taken down in writing and the judgment or decision reduced to writing at the time of giving the judgment, with all the reasons *pro* and *contra* with authorities cited; nor have I given a single judgment in term on any disputed matter but I have reduced it to writing, going into and exhausting the subject. These decisions and judgments are filed away in the Clerk's office, and are accessible to the whole profession at pleasure. Nay, even in the County Court, which is analagous to the Division Court of Ontario, but has jurisdiction to \$100 in actions *ex delicto* and to \$250 in actions *ex contractu*, so careful have I been that the reasons and grounds of all my decisions should "be known and read of all men," that I have, in every case tried before me in which there was any real controversy in law or fact, taken down the evidence in writing in full and given judgments in writing, which are on file in Clerk's offices. The labor has been immense, yet it has been done by me, and I think well done, in accordance with justice according to law. In taking this course I had no idea of such an attack as this, but now, provisionally, I can point to written evidence and written judgements in every case I have tried and decided, or

in which I have given judgment, since I have been in Manitoba; and what is more, I have the serene satisfaction of believing—I had almost said of knowing—that they are all right. At all events, there they are, and they speak for themselves. I am willing to be judged by them. *Scripta manent.*

Judges possess no infallibility. That they are liable to err is inseparable from the infirmity of human nature. In many cases, however, in which inferior Courts are overruled by superior Courts of review, we cannot say as of a mathematical proposition, one is truth, another is error; all that we can say is that there is an honest difference of opinion, and that the decision of the Court of review is to be decisive, not because it is a demonstration of the truth, but because it has constitutional or legislative authority. The numerous cases in appeal formerly to the Exchequer Chamber, now to the Court of Appeal under the Judicature Act, to the Judicial Committee of the Privy Council, to the House of Lords in England, and to the Supreme Court in Canada, and the result of these several appeals, shows the diversity of opinion which prevails among the most learned and gifted men in the world. I do not profess, with all the care, learning and assiduity I can command, to be exempt from the infirmity of liability to error in every one of the thousands of contested cases that I have decided for now upwards of the seven years that I have been Chief Justice of Manitoba; but I do profess that I have striven most anxiously that all of my decisions should be right, not according to my notions of equity and right, but according to equity and right as laid down and settled in decisions and judgments made and delivered in courts of authority by the great oracles of the law, and I believe they are.

It seems superfluous to mention a self-evident proposition, that in every contested action at law or suit in equity, one or the other of the parties must fail. For the sake of judges, I have sometimes felt as if I could wish this was not the ordination of nature. There seems no way out of the difficulty of the necessity of a contested cause being decided for the plaintiff or for the defendant, unless the middle course of Petrus Stuyvesant, the Dutch Governor, be adopted, of dismissing the case against both parties and ordering the constable to pay the costs. This necessity of deciding the case in favor of one or the other party, or against one or the other party, has at all times subjected courts and judges, more or less to, sometimes, intemperate criticism, both on the part of lawyers and clients. This intemperance of criticism in a new state of society where the judge is, from circumstances which surround him, necessarily brought into more immediate converse and contact with the people, is far more liable to be indulged in to excess than in older and more settled communities, where the judge is more removed from the multitude, and where the expression of the sentiments and opinions of men are more restrained by an enlightened conversation and by a proper sense of responsibility.

I do not wish to disguise the fact that very often both the unsuccessful party and his counsel have "in talk outside"—as is almost always in all countries done—spoken complainingly and sometimes censoriously at particular decisions of the courts. I do not know it for a fact, but I think it not all unlikely, such has been done in this Province. This is a practice very common, I believe, both in Canada and in England, immediately after a decision, arising from disappointment at defeat; but reflection and reason soon displace and remove it. I, like all other judges, I suppose, have not been, nor shall ever be, exempt from this innocent and harmless criticism. It is a relief to the disappointed; it is no injury to the judge; it is a sort of safety valve to pent up feelings of irritation.

I have made these additional remarks to show how any one may, in a community like that we have here, gather up rumors of dissatisfaction at the decision of the judge or of the court. The decisions referred to in the course of the observations on the several paragraphs of Mr. Clarke's petition, will, to a surprising extent, illustrate this point.

## F.

## CANADA, PROVINCE OF MANITOBA.

## IN THE COURT OF QUEEN'S BENCH.

VICTORIA. by the Grace of God, of the United Kingdom of Great Britain and Ireland,  
Queen, Defender of the Faith, &c., &c.

The Queen, by Her attorney, David Marr Walker, Esquire, vs. Henriette Anderson, by her attorney, Henry Joseph Clarke.

And now at this day come as well the said David Marr Walker, Esquire, who for Our said Lady the Queen, prosecutes in this behalf, as the said Henrietta Anderson in her own proper person and the jury thereupon empanelled likewise come, and thereupon the said Henrietta Anderson challenges the array of the said panel because she says the said panel was arrayed and returned by the said Colin Inkster, Esquire, now and at the time of the making of the array aforesaid, Sheriff of the said Province of Manitoba, which said Sheriff has not by his return of the panel of Grand Jurors now before the honorable Court, set forth the name, surname, trade or calling, and place of residence or domicile of each of the said Grand Jurors, as required by sub-section 2, sec. 11 of chap. 3, 39 Vic. Statutes of Manitoba, and this she is ready to verify, whereupon she prays for judgment, and that the said panel may be quashed.

Entered this 16th day of October, A.D. 1877.

HENRY J. CLARKE, Attorney for Anderson.

## IN THE COURT OF QUEEN'S BENCH—CROWN SIDE.

## THE QUEEN vs. HENRIETTE ANDERSON.

The sixteenth day of October in the year of Our Lord, 1877.

And the said David Marr Walker says that the said challenge of the said Henry Joseph Clarke to the array of the panel aforesaid is not sufficient in law to quash the array of the panel aforesaid, and that there is no necessity for him, the said David Marr Walker, nor is he obliged by the law of the land to answer to the said challenge in manner and form as it is above alleged.

Wherefore he prays judgment, and that the array of the said panel may be affirmed, etc.

D. M. WALKER. C. C.

And the said Henry J. Clarke says that the said challenge is sufficient in law to quash the said array of the said grand jurors: wherefore, &c.

## JUDGMENT.

REGINA vs. HENRIETTE ANDERSON, Oct. 16th, 1877.

It is proper to observe that in considering the question raised by the challenge and the demurrer thereto, the panel of grand jurors annexed to the writ of *venire facias*, and returned into court here, and forming a record of the court, must be read along with the challenge; and for the purposes of the determination of the question before me, be deemed and taken to form part thereof. I will, therefore, first look at the panel. It is in the words and figures following:—

## PANEL OF GRAND JURORS.

Summoned to serve at the Court of Queen's Bench, Oyer and Terminer and General Gaol Delivery to be holden at Winnipeg, in the County of Selkirk, and Province

of Manitoba, on Tuesday the sixteenth day of October, A.D., 1877, under and by virtue of a writ of *venire facias* issued on the first day of September, A.D., 1877, in accordance with the law in that behalf, and in the forty-first year of our reign.

*English Jurors.*

No.	Name.	Residence.	Addition.	Remarks.
1	Alexr. Brown .....	Winnipeg .....	Carpenter .....	
2	Wm. W. Banning .....	do .....	Mill Owner .....	
3	James Broadfoot .....	Westbourne .....	Farmer .....	
4	Michael Blake .....	Portage la Prairie .....	Hotel Keeper .....	
5	Thos. Dalzell .....	High Bluff .....	Farmer .....	
6	Robt. Bell .....	Rockwood .....	do .....	
7	James Barclay .....	do .....	Contractor .....	
8	J. F. Tennant .....	St. Agathe .....	Hotel Keeper .....	
9	Thomas Dunlop .....	Winnipeg .....	Freighter .....	
10	Matthew Cook .....	Poplar Point .....	Farmer .....	Not in the country.
11	Thomas Collins .....	Westbourne .....	do .....	
12	Daniel Clink .....	Springfield .....	do .....	
13	George Dick .....	do .....	do .....	
14	J. B. White .....	St. Agathe .....	do .....	
15	Wm. Harvey .....	Winnipeg .....	Liveryman .....	
16	Fred. A. Bird .....	Portage la Prairie .....	Trader .....	
17	Abraham Evans .....	Poplar Point .....	Farmer .....	

*French Jurors.*

1	H. H. Bertrand .....	Winnipeg .....	Merchant .....	
2	J. B. Daoust .....	Ste. Anne .....	Farmer .....	Not in the country.
3	Patrice Breland .....	St. F. X. East .....	Trader .....	do
4	Cyril Marchand .....	St. Norbert .....	Farmer .....	
5	Alexr. Pagé .....	St. F. X. East .....	Merchant .....	do
6	François Gingras .....	Winnipeg .....	Farmer .....	
7	François Pouissant .....	Ste. Anne .....	do .....	do
8	Sévère Demerais .....	Ste. Agathe .....	Carpenter .....	
9	Cyprien Fortin .....	Ste. Anne .....	Farmer .....	
10	F. X. Pagé .....	St. F. X. East .....	do .....	
11	J. B. Gervais .....	St. Vital .....	do .....	
12	Jean Lesperance .....	St. F. X. East .....	do .....	

COLIN INKSTER, Sheriff.

SHERIFF'S OFFICE, WINNIPEG, 16th October, 1877.

In juxtaposition with the panel, I will cite the whole clause in the Statute relied on by Mr. Clarke, 39 Vic., chap. 3, sec. 11, sub-sec. 2:—

Sub-section 1.—“The selectors, or any of them, shall place the ballots promiscuously in a box or urn to be procured by them for that purpose, and shall cause the box or urn to be shaken so as sufficiently to mix the ballots, and shall then openly draw from the said box or urn indiscriminately one of the said ballots, whereupon one of the selectors present shall immediately declare aloud the name of the person so ballotted.”

Sub-section 2.—“And thereupon the name, surname, trade or calling and place of residence or domicile of the person whose name has been so selected, shall be written down on a sheet of paper provided for that purpose.”

Sub-section 3.—“Which being done, the selectors shall proceed in like manner with the ballot, and dispose of other names from the said box or urn until the whole

number has been exhausted; whereupon such ballot and selection shall form the list of persons as petit jurors for each judicial county."

It is not a little surprising that the counsel for the challenge, in express terms, relies upon sub-sec. 2, sec. 11 of chap. 3, 39 Vic., Statutes of Manitoba, as the foundation of his challenge against the panel of grand jurors struck by the Sheriff, when not one word in the whole of section 11 refers either to the grand jury or to the Sheriff, in any manner whatever. It is not the less surprising that a provision in the Statute, which, in the most explicit terms, is exclusively limited and confined to the course to be pursued by the selectors in preparing the jury lists of petit jurors, should have been seized upon as the basis of a charge against the Sheriff in striking a panel of grand jurors in the ordinary course of his business and the discharge of his duty as Sheriff, from the jurors' book in his possession made up and attested according to law.

Directions to the selectors for preparation and making of the lists of the grand jurors, are contained in the ninth section of the Statute, and are entirely dissimilar from those comprised in the eleventh section respecting the preparing and making of the lists of petit jurors. The course of procedure and the manner of preparing and making panels both for petit jurors and grand jurors by the sheriff for any Court of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius*, are pointed out and defined by sections 23 and 24. Taking, therefore, the allegations in the challenge, along with the provisions of the Statutes, into consideration, it is impossible to say that the finding of the challenge in the affirmative or negative would be of any avail whatever in establishing the partiality or default of the sheriff, or any facts whence partiality, default or favoritism in the sheriff, in respect of the panel, could be deduced; and, therefore, the panel of the grand jury would remain equally unaffected whichever way the issue should be found; the issue in fact, if issue had been taken, being perfectly immaterial. On this ground alone the demurrer must be allowed. But waiving all the difficulty I have indicated as arising under the Statute, the challenge is too general.

It does not specify with reasonable certainty wherein, or in what respect, "the name, surname, trade and calling, and place of residence, of each of the said grand jurors" is defective or objectionable. The exception is in general terms to the names, surnames, trade and calling, and place of residence or domicile of each of the grand jurors or the whole panel.

In looking at the panel which must be read along with the allegation in the challenge, in the case of every juror on the panel, I find his name, surname, trade or calling, and place of residence or domicile, are stated. It is, therefore, impossible to know from the general form in which the exception is taken, what defect is intended or aimed at, or in what particular or particulars the panel does not set forth the name, surname, trade or calling, and place of residence or domicile of each juror. It may be, and probably is the fact, that the defects aimed at are in the Christian names of some of the jurors not being written in full, or only the initial or initials being given, or in the trade or calling or place of residence or domicile being expressed by initial letters, contraction, or otherwise.

If this be the ground of objection it should have been distinctly stated, and there should have been an allegation of fact showing that this had arisen through the default of the Sheriff, and that thereby Henrietta Anderson was prejudiced in respect of the whole panel. On this point, in passing, I may say once for all, I do not think any such things taken by themselves as I have suggested that it is possible the challenge may aim at, form any ground whatever for challenge to the array. I think the challenge must be disallowed for being too general.

In this respect it resembles *Rex. vs Hughes*, 1 Car. and K. 235. The challenge alleges that the Sheriff has not set forth, the name, surname, trade and calling, and place of residence or domicile of each grand juror as required by sub-section 2, section 11, of chapter 3, 39th Victoria, but it does not allege in what respect the Sheriff has failed to comply with the clause of the Act referred to; and as there is no allegation that the panel was returned partially or without indifferency, none can be



inferred; and I do not see how a traverse could be taken on the allegation in the challenge so as to raise any definite and clear issue.

The movement, however, in a public point of view, is of sufficient importance to justify a more thorough examination of this whole subject.

A challenge to jurors is two-fold: either to the array or to the polls. A challenge to the array is to except to all persons arrayed or impanelled; and that to the polls is to except to particular jurors. Panel used in this connection, properly means a piece of parchment or paper, or schedule, containing the names of persons summoned by the Sheriff as jurors. The jurors names are ranked or ranged in the panel, one under another; which order or ranking the jury, when completed, is called array—as we say, battle array, for the order of battle. Therefore, a challenge to the array of the panel, is at once a challenge or exception against all the persons so arrayed or impanelled or against the whole panel. This kind of challenge appears from the authorities to be limited to partiality or default of the Sheriff, Coroner, or other officer, who makes the return. (5 Bac., Abdg. Juries E; 1 Co. on Lit. 156a.)

A challenge to the array is two-fold; in that it is either a principal cause of challenge, or to the favor, like that to the polls or to particular jurors; for it was thought there could be no better rule to ascertain what should be a proper challenge to the officer than what was a proper challenge to each juror's partiality, for it was not supposed there was a jury *per quos rei veritas melius sciri poterit*, unless they were selected by persons absolutely indifferent. (Co. Lit. 156a.)

It has been urged by counsel, that a challenge to the array does not lie in respect of the grand jury panel, but is limited to the petit jury. No authority for this proposition is cited; and, indeed, no satisfactory reason for the distinction has been suggested.

On principle and the reason of the thing, I am disposed to think that a challenge lies both to the array of the grand jury and also to the polls for favor or other legal objection, as in the case of the petit jury. On this point, I have not been referred to any authorities, one way or the other. As at present advised and for the purposes of the case before me, I therefore assume that it is competent for any person charged with an indictable offence, and against whom a bill of indictment is to be preferred before the grand jury, to challenge the array or to challenge the individual jurors at the polls, and that these challenges must be met by the Crown, and be by the Court determined according to law.

In the present case the challenge is to the array. I shall, therefore, in so far as I can confine my observations to that form of challenge. It is to be noted that challenge to the array is an exception against all persons included in the panel, in respect of the partiality or the default of the sheriff, Coroner or officer who made the return. This challenge is divided into a principal cause of challenge, and challenge, for favor. Instances of a principal cause are partiality, if the Sheriff or other officer be of kindred or affinity to the plaintiff or defendant, if the affinity continue, if any one or more of the jury be returned at either parties denomination or any one, that he be more favorable to the one party than the other, if the plaintiff or defendant have an action of battery against the Sheriff, or the Sheriff against either party, if the plaintiff or defendant have an action of debt against the Sheriff, or if the Sheriff have parcel of the land depending on the same title, if the Sheriff be under the distress of either party, if the Sheriff or his bailiff who returned the jury, be of either counsel, attorney, officer in fee or robes, or servant of either party, gossip or arbitrator in the same matter, and treated thereof. (1 Co. Lit. 156 a; 5 Bac. Abridg. E. 343.)

The foregoing are some of the grounds, enumerated in the authorities to which I have referred, as being comprised in the principal cause of challenge to the array in respect of partiality. It is said where a subject may challenge the array for want of indifference, there the Queen, being a party, may also challenge for the same cause, as for kindred or that the Sheriff hath part of the land or the like.

But an examination of the history of the jury system, and the practice in respect of the same, and the various Statutes passed and in force in relation thereto, down to

a comparatively recent period, it will be found that, during the times the foregoing and other grounds of exception were established, discretionary power of selecting jurors, to a large extent, was vested in the Sheriff; and hence, any state, condition or relation of persons or things, whence bias or want of indifference in the Sheriff in making the selection, might be inferred, was held sufficient to set aside the whole panel: for it was properly assumed that one fact being established, showing partiality in respect of the selection and return of even one juror, proved a want of indifference on the part of the Sheriff in the act of the selection and return of all the jurors, and, therefore, vitiated the whole panel.

Modern legislation, however, has removed the discretionary power from the Sheriff, and prescribed the mode of selecting the panel from jury lists prepared for him, in such precise terms as to render it almost impossible for the Sheriff to be open to most of the exceptions which in the olden times were raised against the return of the *venire facias*; and, as a consequence, much of the practice and many of the exceptions against the array of jurors, in the olden time, have become almost if not quite obsolete.

Challenge for default of the Sheriff is another ground of exception to the whole array. I will refer to some instances under the head mentioned in Co. Lit. and in Bac.'s Abridg.: When the array of a panel is returned by a bailiff of a franchise, and the Sheriff returns it as of himself, this shall be quashed; but if a Sheriff return a jury within a liberty, this is good, and the lord of the franchise is driven to his remedy against him; if a peer of the realm or lord of parliament be demandant, tenant or defendant, then must a knight be returned of his jury, be he lord spiritual or temporal, or else the array may be quashed; but if he be returned, although he appear not, yet the jury may be taken of the residue; and if others be joined with the lord of parliament, yet if there be no knight returned, the array shall be quashed against all; if two strangers make a panel, and not in favorable manner for the one party or the other, and the Sheriff returns the same, and the array be challenged for this cause, it is adjudged good, if the Sheriff of a liberty return any out of his franchise, the array shall be quashed, as an array returned by one that hath no franchise shall be quashed. (Co. Lit. Bac. Ab.)

In the foregoing cases, as illustrative of the grounds of challenge for default of the Sheriff, the distinction between the grounds of partiality and default are clearly seen. The former is confined to, and arises from, an improper or unfair state of mind or intention of the Sheriff in the act of the selection of persons composing the panel; the latter is a failure of duty arising from mistake, omission, neglect or inadvertence, intentional or unintentional.

Grounds of challenge for default, in consequence of more recent legislation, as I have already remarked in reference to the causes of challenge for partiality, are now of rare occurrence; still, even in the present state of the law, they may arise.

A substantial departure from the direction given to, and the rules imposed upon, the Sheriff by the Statute in the selection and return of the jury, whether intentional or not, and whether free from all partiality or not, would probably lay the panel returned open to challenge on the ground of default.

There is still another ground of challenge to the array. It is said to be for favor. It is nearly allied to that of partiality, though distinguishable from it, and therefore is said not to be a principal challenge. It seems to arise from favoritism from the relative position of the Sheriff and one or other of the parties in litigation. And it is said in the books that this kind of challenge must be left to the discretion and conscience of the triers. The causes of this challenge are such as imply, at least, a probability of bias or partiality in the Sheriff without that being a necessary consequence, and therefore it does not come within the category of a principal challenge. Thus: that the plaintiff or defendant is the tenant to the Sheriff, or that the son of the Sheriff has married the daughter of the plaintiff or defendant or the like, but if the Sheriff himself be tenant to either party or be kindred or affinity to either party, these would be causes of a principal challenge; inasmuch as it is assumed, from the latter relationship being established, it is to be presumed that

partiality or want of indifference reasonably follows; but that the former may exist and yet that no partiality or favoritism may intervene; and, therefore, in these latter cases, the existence of favoritism must be found by triers as a fact arising out of and in consequence of the relative position of the Sheriff to one or another of the parties in the manner suggested.

It seems to be the rule that the challenge must be made before the jury are sworn.

No challenge can be taken either to the array or the polls until a full jury have appeared. (*Rex vs. Edmonds*, 4 B. & A. 471).

The disallowing a challenge is not a ground for a new trial, but for a *venire de novo*; and every challenge must be propounded in such a way as that it may be put at the time on the *nisi prius* record, so that the adverse party may either demur, or counterplead or deny the matter of the challenge, in which last case only triers are to be appointed.

Where the challenges were not put upon the record, the defendants were held not in a condition to ask the opinion of the Court as a matter of right upon their sufficiency. (5 Ba. Ab. Juries, E. 346; *Rex vs. Edmonds*, 4 B. & A. 471).

In the case of a challenge of the array, it lies in the discretion of the Court how it shall be tried.

Sometimes it is done by two attorneys and sometimes by two of the jury; with this difference: that if the challenge be for kindred in the Sheriff, it is said to be more fit to be tried by two of the jury; if the challenge be founded in favor or partiality, then by any two attorneys assigned thereunto by the Court. (Co. Lit. 158; 5 Bac. Ab. Juries E. 566).

The truth of the matter alleged as cause must be made out by witnesses to the satisfaction of the triers. If there be a demurrer to a challenge, and it be debated and the judge overrule it, it is entered upon the original record, and if at *nisi prius*, it appears upon the *postea* what the Judge hath done. But if the Judge overrule the challenge upon debate without demurrer, as he may do in any case, then the proper remedy of the exceptor is by a bill of exceptions. It would seem that, to avoid delay in case of principal challenge in respect of partiality or default of the Sheriff, it would be advisable for the Judge himself to investigate the truth of the matters alleged, and to find the facts and deal with the challenge accordingly; or in the case of the facts alleged not, in the opinion of the Court, constituting a valid ground of challenge, to overrule the same and leave the challenging party to his remedy by bill of exceptions.

In *Rex vs. Dolby*, 1 Car. and K. 238, the proceedings in the case of a challenge to the array, for that the person accused as he alleged, was prosecuted by an association called the Constitutional Association, and that one of the Sheriffs who returned the jury was one of the Association; the counsel for the prosecution took issue upon the allegation of facts in the challenge; the Judge appointed two triers to try the issue, who were accordingly sworn; the counsel for the challenge first addressed the triers and called and examined witnesses to prove the negative of the issue; the triers were then addressed by the challenging counsel in reply; the Judge summed up; the triers found the issue in favor of the challenge, and the cause was adjourned. This cause is reported at length, and will be found to be a good precedent to follow in similar cases.

In *Rex vs. Hughes*, 1 Car. and K. 235, counsel for the prisoner challenged the array, for that the Sheriff had not chosen the panel indifferently and impartially, and that the panel was not an indifferent panel, without showing in what respect the Sheriff had acted without indifference and with partiality; and to this challenge the counsel for the prosecution demurred, as being too general, and the counsel for the prisoner joined in the demurrer.

Gurney, B. and Cresswell, J., after argument, allowed the demurrer, and the trial proceeded. I cite this case as being a good precedent in the case of a challenge and demurrer.

Both the cases last referred to are modern, and besides being good precedents in points of practice in the cases of issues in fact and law, are in other respects valuable in determining the question before me.

I will mention one other case, the decision in which, as it is cited in the text writers, might, without an examination of the report, mislead, and be in apparent conflict with the law and the practice of challenges, as I have stated them. I refer to *Fairman vs. Ives*, 1 Chit. 85. In this case a rule for a special jury having been obtained, a panel was struck in the usual course of business by the Sheriff.

In Hilary Term following, the plaintiff applied in person for a rule to show cause why the special jury panel so formed should not be set aside and a new panel struck, on the ground that the forty-eight persons named in the former were not persons entitled to the additions of Esquire. The affidavit upon which the motion was made stated that the deponent had, since the special jury was struck, inquired into the condition and circumstances of the persons named in the panel, and that out of the forty-eight therein described as Esquires, twenty-six were carrying on trades as retail shopkeepers, or were engaged in other occupations which rendered them, from their situation and habits of life, wholly unfit to sit as special jurors and try the subject of that action.

Abbott, C.J., in giving the judgment of the Court refusing the rule, said:—  
“There does not seem to me to be any ground laid before the Court upon this affidavit to justify us in granting this application.

“The usual practice in striking special juries is for the Sheriff to take the freeholders' book and select those persons against whose names the addition of Esquire is placed. The affidavit before the Court does not suggest that the persons chosen are not qualified to sit as special jurors, nor does it complain of any improper motive on the part of the Sheriff. All that is alleged is, that a certain number of the persons named in the panel are engaged in trade and therefore do not answer the description of Esquire. That suggestion is of itself no objection to the panel, because it is very well known that there are many persons engaged in trade who are perfectly competent, from their intelligence and education, to serve upon special juries, and to whom, from their property and substance, the denomination of Esquire is given by courtesy. But even supposing this were an objection, there is nothing in this affidavit which negatives the qualification of the persons excepted to. The Court must deal with the motion upon the grounds stated in the affidavit, and they cannot go out of it. For anything that appears at present to the Court, every one of the twenty-six persons mentioned may be possessed of sufficient freehold property, or may be otherwise qualified, so as to entitle them to assume the denomination of Esquire, and as no improper motive has been ascribed to the returning officer, it would be improper for the Court even to grant a rule to show cause, for the affidavit upon which the motion is made would be a sufficient reason for discharging the rule with costs. It is much better, therefore, to refuse the rule in the first instance upon the affidavit, which affords no ground for this application.  
*Per curiam.* Rule refused.”

On the principles and practice of the law of challenge, as I have above briefly summarized them, I will now proceed to the examination and discussion of the issue in law raised by the demurrer to the challenge to the array of the grand jury by the counsel of the defendant.

The grand jury and petit jury are struck and returned by the Sheriff of Manitoba under the Manitoba Jury Act, 39 Victoria, chapter 3. This Statute purports to provide for grand and petit jurors, exemptions, disqualifications, jury lists, jurors' book, the panel, summoning the jury, challenges, talesmen, penalties upon the sheriff, jurors, clerks of the County Court and others for contravention of the provisions of the Act, and payments of jurors; in short it professes to be a complete jury code; and, in so far as I am able to judge, it has substantially accomplished its design.

Section 4 provides a board for the selection of jurors in each judicial district of the Province.

Sections 9, 10, 11, 12 point out and direct in what manner the jury lists are to be made and prepared by certain officers, in duplicate, from and out of the electoral lists of the respective electoral districts, and within a given time the same are to be deposited, one with the Clerk of the Crown and the Peace, and the other with the Sheriff of the Province. By sections 13 and 14 the Sheriff is directed to transcribe in a certain manner all the names as they shall appear on these lists into a book to be called the "Jurors' book," a duplicate of which he is ordered to deposit in the office of the Clerk of the Crown and Peace.

Section 17 provides for correcting the jurors' book, in case of error ascertained, death, removal, disqualification or otherwise.

Section 18 and sub-sections as amended by 40 Victoria, chapter 18, provides for the removal of the jury lists and jurors' book.

From the jurors' book thus made and prepared the panels of jurors are taken. By section 23 it is enacted :

" All grand and petit jurors summoned to serve at any Court shall be taken in turn by following uninterruptedly and successively the order of the list, beginning with the first name upon the jurors' book, when such jurors' book is newly made, and thereafter with the name following that of the last juror already summoned, and so on successively, until the number of the list has been entirely gone through, and then beginning again and going through in the same manner."

By section 24 it is enacted :

" The panel of grand jurors to be summoned in any term of the Court of Queen's Bench, shall be made from the grand jury list in the jurors' book by taking therefrom the names of twenty-four persons in turn following uninterruptedly and successively, until the number on the list has been entirely gone through and then beginning again and going through in like manner."

In addition to the citations I have already made, it will be sufficient for the purpose of the decision of this demurrer before me, to refer to section 35. This section requires the Sheriff upon the return in the Court of the *venire facias* to annex thereto the panel containing the names, together with the places of abode and additions of the persons named in such panel, under section 33.

From what has been said, I may shortly state the provisions of the Statute, in so far as they bear upon the question before me :

1. The selectors in the matter pointed out by the Act, select from the voters' lists, with the residence or domicile, addition and a short abbreviated description of the subject of qualification as voters, as they shall severally be found in the voters lists, the names of the jurors, and write them down as they are selected one after another, and certify to the same; and the names thus selected, together with the residence or domicile, addition and qualification, &c., written and certified, are the jury lists. It will be observed that the Statute makes the voters lists, as to names, residence, addition and description of the subject of qualification as they stand on the voters lists, right or wrong, accurate or inaccurate, perfect or imperfect, the basis of the jury lists. The Statute gives the selectors no discretionary power of correction, emendation or addition in names, residence or domicile, qualification or otherwise.

2. The Sheriff transcribes, that is, copies into the jurors' book, in the manner directed by the Statute, the names, residences and additions as they respectively stand and appear on the jury lists. In this respect he is limited to the jury lists by the Act, and he has no corrective, emendatory or discretionary power.

3. From the jurors' book, so made and formed as I have stated, the Statute requires the Sheriff, in manner mentioned in the 23rd and 24th sections, to take off and make up the jury panel, giving the name, residence and addition of each juror as they are entered and appear on the jurors' book, except as that book may have been corrected or amended under section 17.

The panel thus struck would appear to be the panel for the striking of which the Act was passed; and the persons named on this panel being duly summoned, and the panel being annexed to the *venire facias* and forming part thereof, being along with the *venire facias* in due form returned into Court, would seem to be free from

any legal objection; *prima facie*, it must be considered to be, in all its parts, according to law. If in any, at least material, matter, as to name, place of residence or addition, it differs from the voters' lists, or the jury lists, or the jurors' book, with all of which in these respects it must, according to the Statute, agree, it might be open to exception; but in these respects conforming to the voters' lists, the jury list and jurors' book, it could not be excepted against on account of inaccuracy or imperfection in name, place of residence or addition; to hold otherwise would be to fly in the very face of the Statute; in the wisdom and policy of which in this respect and in that of its general provisions I fully concur.

In the case under decision, the allegations in the challenge do not charge that the panel has not been struck, and the jurors named have not been summoned according to the Statute. It alleges that the Sheriff has returned the panel in which he has not set forth the name, surname, trade and calling and the place of residence or domicile of each juror as required by sec. 11, sub-sec. 2, a duty imposed upon the selectors, not upon the Sheriff; but it does not aver that these names, with the residence and addition, are not transcribed by the Sheriff in the panel precisely as they are contained in the voters' lists, in the jury lists and the jurors' book, which, as I have already said, being so transcribed, puts the panel in this respect at all events, as regards a challenge to the array, whatever clerical inaccuracies there may be, beyond exception.

I think on this ground alone the challenge must fail.

But it must be observed that a challenge to the array is an exception against all persons included in the panel in respect of the partiality or default of the Sheriff. (Co. Lit., 156a.) It is difficult to conceive how the challenge under consideration could, in any point of view, fall under the rule given by Co. Lit., within which, as it appears, at common law, all challenges to the array must be confined. There is not in language similar to that employed by Abbott, C.J., in *Fairman vs. Ives*, a suggestion that the persons chosen on the panel are not qualified to sit as grand jurors, nor is there any complaint or allegation of any improper motive or conduct on the part of the Sheriff. All that is alleged is that a certain number of the persons named in the panel are not set forth as to name, trade and calling, and place of residence or domicile, as required by the Statute relating exclusively to the selectors in the preparation of the jury lists, and in respect of which they are limited to the voters' lists by the Statute, and which has no reference to the Sheriff or to the panels.

That suggestion or allegation is of itself no objection to the whole panel or to any part of it; because it neither goes to the partiality or default of the Sheriff, nor indeed to the perfect competency and indifference of the jurors in respect to whose names the inaccuracies are alleged. I find no authority for holding the want of the christian name in full, or contraction or inaccuracy in stating the name, residence or addition of the jurors, is a good ground of challenge to an individual juror at the polls, much less to the array, provided there be no question or doubt as to the identity of the juror and as to his freedom from objection in other respects. At common law, therefore, independently of the Statutes altogether, I think the challenge to the array, assuming it points to the object I have indicated, not sustainable. Indeed, I do not think it sustainable as a challenge to the polls.

For the reasons I have given, and for others which I might mention, I think the demurrer must be allowed. It is allowed accordingly.

The Prothonotary will at once proceed to swear the grand jury.

G.

POWER vs. CLARKE.

IN THE COUNTY COURT OF SELKIRK, MAY 20TH, 1880.

This cause came on for trial before me at the sittings of this Court at Winnipeg on the tenth day of February, 1880.

Mr. Wood appeared for the plaintiff, and Mr. Henry J. Clarke appeared in person. Plaintiff's claim, as indorsed on writ of summons, is as follows:—

“The Plaintiff claims \$100 according to the conditions of a certain bond, dated July 21st, 1879, made and executed by the defendants to the plaintiff.”

The bond is the usual “Receipt Bond” given by one Isidore Dumas and Henry J. Clarke, for the forthcoming of one horse, cart and harness, seized and taken under an attachment issued out of the County Court of Selkirk at the suit of Napoleon Bonneau against the goods and chattels of Isidore Dumas, by the plaintiff, a constable, to whom the writ of attachment was directed, to satisfy a certain debt claimed by Bonneau to be due and owing to him by Isidore Dumas, provided Bonneau should recover judgment against Dumas for his alleged debt or demand.

The bond is executed by Isidore Dumas and Henry J. Clarke. The obligation is joint and several.

The case of Bonneau *vs.* Dumas, in which the writ of attachment was issued, came on for trial, October 29th, 1879, and resulted in a judgment for the plaintiff for

Debt or damages.....	\$90 80
Costs.....	23 40
	\$114 20

In the meantime Isidore Dumas had removed and taken with him all his goods and chattels into the North-West Territories, and located himself and family at some place near Fort Carlton where he now resides. He has made that place his permanent abode.

No goods and chattels were, therefore, forthcoming to satisfy the judgment obtained against Dumas at the suit of Bonneau. Bonneau demands of the constable, Power, the value of the horse, cart and harness seized under the attachment, and Power demands the same property from Henry J. Clarke, the co-obligor in the “receipt bond” along with Isidore Dumas. But Henry J. Clarke could not produce or deliver this property to Power, as Isidore Dumas had taken it away into the North-West Territories, and had it in his possession at Fort Carlton. Hence this action. Bonneau, instead of taking an assignment of the bond and suing in his own name, as he might have done, sues in the name of the obligee in the bond, John Power, as he had a right to.

When this cause came on for trial in February last, and it appearing that Isidore Dumas had not been served and was out of the jurisdiction of the Court, and that the bond was several as well as joint, and the Plaintiff consenting thereto, I ordered that the name of Isidore Dumas, one of the defendants named in the writ of summons in this cause, should be struck out and that the action should proceed against Henry J. Clarke alone, and the name of Dumas was accordingly struck out.

The bond sued on is produced and its execution by the defendant admitted.

The plaintiff produces no evidence of the value of the horse, cart and harness, mentioned in the condition of the bond.

The defendant, Mr. Clarke, alleges that, since the giving of the bond, the horse has died—that the old cart is somewhere in the parish of St. Norbert, and that the old harness, as he supposes, is along with it.

I adjourn the case to Chambers, to give plaintiff the opportunity of giving evidence of the value of the horse, cart and harness; of the hearing of which at Chambers, the defendant is to have notice.

On the 20th February, on notice to the defendant, the plaintiff proceeds with the further hearing of the case. Mr. Wood for the plaintiff, and the defendant attended in person.

CYRILLE PARISIEN, sworn for plaintiff, says:—

“I know Isidore Dumas. I recollect when his horse, cart and harness, were seized up at Baie St. Paul, last summer. Dumas was there on his way from St. Norbert to Fort Carlton with all his personal property, and with his family, John

Power, the plaintiff, seized the goods under attachment, at the suit of Napoleon Bonneau. I know the horse and cart well. After the plaintiff had seized the horse, cart and harness, he hired me to bring them back to Winnipeg. I brought them back to the door of the Clerk's office, at the Court House here. The horse was a gelding. The horse was well worth \$65, as a cart horse. The cart was worth \$15. It was a good cart. The harness was worth \$3.50. I only saw the horse for the first time at Baie St. Paul, and only knew it while driving it down to Winnipeg. There was a blanket in the cart—two blankets and a sort of quilt, worth \$2 each."

Cross-examined by the defendant:—"They were white blankets. They were new. I think he had bought them just before starting. The cart was also new. I never heard that the horse died. I live at St. Norbert. I do not know that Dumas has been back since he went away. I have not seen the cart since. I do not know that it is in St. Norbert now."

Adjourned to to-morrow for further evidence.

FEBRUARY 21st, 1880.

Mr. Wood present for the plaintiff. The defendant, though notified, does not appear.

JOHN POWER, sworn for the plaintiff, says:—

"I am the nominal plaintiff in this cause. Napoleon Bonneau is the real beneficial plaintiff. I acted as bailiff in Bonneau vs. Dumas, and under an attachment issued, directed to me, in the Bonneau vs. Dumas, I seized a horse, cart and harness, at Baie St. Paul, as Dumas was on his way to the North-West, and brought them back to Winnipeg to the Clerk's office, where they were released to Dumas, on the 'Receipt Bond,' sued on in this cause, being made by Dumas and the defendant, Henry J. Clarke. When I seized the goods they were being taken to the North-West Territories, and after their release, Dumas immediately resumed his journey to the North-West Territories, and went, as I understood, to near Fort Carlton, where, as I understand, he has ever since been. I have never seen him or the horse, cart and harness since. Bonneau obtained a judgment against Dumas, in the suit of Bonneau vs. Dumas, in which the writ of attachment was issued, under which the horse, cart and harness were seized. That judgment was for \$114.20 debt and costs. I am a good judge of the value of horses in this country. That horse was worth about \$60. The cart was worth \$15. The harness was worth about \$3."

I further adjourn the case, to permit the defendant to offer any evidence he may see fit.

The case stands to the 10th of April, 1880, when the defendant desired to give evidence in answer to the case made by the plaintiff. I permit him to do so, although no notice had been given to the plaintiff.

APRIL 10TH, 1880.

PIERRE DUMAS, sworn for the defendant, says:—

"I know Isidore Dumas. I am his brother. He wintered last winter at Fort Carlton. He formerly lived on Rat River. He sold his place at Rat River and went up to Fort Carlton to live and reside. He went up there last summer. It is not a year yet since he went away. He owns no place or property down here now. He took his family away with him and has them with him now. He went away last spring. He went away with Baptiste Parenteau and had, when he set out, a horse and cart. I know the horse. He had not owned the horse over two weeks before he started for Fort Carlton. He got the horse from Parenteau. I would not give over \$25 for him. I never used the horse. He was a gelding. I cannot say how old he was. I think he was a young horse—four or five years old. He was what is called a 'Red River' horse. He was lame in one of his fore legs. When Parenteau bought the horse from some one back of the slaughter house in Winnipeg he was lame; and he was lame when Parenteau sold him to my brother, Isidore Dumas



The lameness was in the foot. I think it was a sprain in the foot, and sore there. Parenteau gave another horse and took in payment or exchange this horse and some money—from \$25 to \$30. The horse Parenteau gave for this horse and the money he got 'to boot' was worth from \$55 to \$60. The horse in question was an 'Indian horse.' My brother, Isidore, gave an ox for the horse. He got the ox from Parenteau to go away with. He got the horse from the Parenteau who was going west with him. This was all Isidore gave for the horse. I was present when the bargain was made. The horse, if not dead, is west at or near Fort Carlton. The cart was an old 'Red River' cart. I sold it to my brother Isidore for \$8, and I gave him back \$1 of the \$8. I do not think it has ever been brought back here. I never heard that the horse died between here and the Portage, or that it is not now living. I do not know the harness. Such a harness would be worth about \$4. I do not know that my brother will be back here in June. Since he went away, I have received no information from him. He does not intend, as I know of, to come back here to reside. I understand he has permanently taken up his residence in the North-West."

The defendant desires a further adjournment to the 16th April, 1880.

On the 16th April the defendant and the counsel for the plaintiff appeared, and the defendant asked for a further adjournment to enable him to procure further evidence. The counsel for the plaintiff opposed this motion on the ground that the defendant had already had great indulgence in this direction; and further to extend it would be a denial of justice to the plaintiff.

I felt the force of this objection; but for fear that the defendant might in any manner be prejudiced by not giving him the most ample time to look up and produce any witnesses he might think material to his defence, I am disposed to make another adjournment, but with the distinct understanding that it shall be the last. I asked the defendant what time he wanted. He answered that he could not state what time he might require. I then adjourned the final hearing of the cause to the 20th May, and informed the defendant that on that day he must be present, as I should on that day dispose of the case.

The case was accordingly further adjourned to the 20th May.

On this the 20th of May, counsel for the plaintiff appears but the defendant appears not.

The counsel for the plaintiff asks for judgment. I proceed to give it.

Napoleon Bonneau is a French Canadian of considerable intelligence and of fair character. For some two or three years last past he has been engaged to a considerable extent in purchasing and selling and assisting others to purchase and sell, half-breed claims and half-breed land scrip.

Isidore Dumas is a half-breed of a family, and as such entitled to land scrip for \$160. He was brought up and resided in the Red River settlement in the parish of St. Norbert. He is of the average intelligence of the average half-breed, and possesses all that simplicity and all that confiding nature so characteristic of the French half-breed, and all that yielding disposition to importunity which deprives the half-breed of the power of exercising the freedom of the will in obedience to the affirmations of the intelligence and judgment for which the average half-breed is eminently distinguished.

Henry J. Clarke was Attorney General under Lieutenant-Governor Archibald and Morris, and passes for a person of shrewdness and intelligence. He is a lawyer by profession.

In the spring of 1878, Bonneau purchased from Dumas the half-breed scrip of the latter and gave in payment a mare which Bonneau and others valued at \$80. At that time half-breed scrip was being bought and sold at from \$40 to \$60, generally about \$50. Bonneau and other witnesses swear that Dumas accepted the mare in full payment of the purchase money of the scrip; but Dumas contends that he was to have in addition to the mare \$25 more when the scrip came. The scrip came in the spring of 1879. Dumas drew it from the land office and went with it to Bonneau, and offered to deliver it to him if he would give him \$25. Bonneau refused to give the \$25, claiming the scrip as his, and that he had already paid for it in full. Dumas

refused to deliver the scrip without getting the \$25 and took it away with him. Dumas met Mr. Harkness, a person of considerable intelligence, to whom he narrated the difficulty with Bonneau about the scrip and asked him what he thought he ought to do under the circumstances. Mr. Harkness was then desirous of buying scrip, and if it would be right he felt disposed to buy this scrip from Dumas. This conversation took place at Mr. Bannatyne's store. Harkness says he took Dumas over to a lawyer, Mr. Henry J. Clarke, to see if he would be safe in buying the scrip. Dumas stated what he alleged to be the facts of the sale of the scrip to Bonneau as already mentioned. Mr. Clarke told him he could sell the scrip and put the money he had received from Bonneau in the bank for Bonneau and keep the rest himself, if his statement was correct. Mr. Clarke then said: "I will buy the scrip from you and give you the \$25 and I will settle with Bonneau for the rest. If Bonneau bothers you send him to me and I will settle him. I will be responsible to him." Mr. Clarke bought the scrip on these terms. He gave Dumas the \$25, but has not settled with Bonneau. For aught that it appears he got possession and has converted to his own use the scrip of Bonneau's, having only paid away therefor \$25, under the circumstances I have mentioned.

Bonneau then sued Dumas for the price of the mare which he gave in payment of the scrip. Hence the action of Bonneau vs. Dumas, in which the attachment was issued under which the horse, cart and harness of Dumas were seized; and hence probably the intervention of Mr. Clarke as surety in the "receipt bond," and the judgment against Dumas in Bonneau vs. Dumas of \$114.20.

The facts in respect of the case of Bonneau vs. Dumas leading directly to the present action are drawn from the papers, proceedings and evidence on file in this Court in Bonneau vs. Dumas. Those facts, though not evidence in the present case, and not referred to for the purpose of aiding in the decision of the present case, relieve me from the almost general dissatisfaction I always feel when I am compelled to hold that one person without consideration must answer the debt or miscarriage of another, and obligations too often induced by sympathy and generosity.

In looking at the whole evidence as to the value of the goods and chattels seized and mentioned in the "receipt bond," notwithstanding the evidence of Pierre Dumas, the brother of Isidore Dumas, I am disposed to think that the horse was worth \$60, the cart \$12.50 and the harness \$3.50, making in all \$78.

I think I am quite safe in this estimate. If the defendant had any evidence to offer which would reduce these values, he certainly has had sufficient time and opportunity to produce it; and failing to adduce it, I must decide on the evidence before me.

Judgment for the plaintiff for \$78.

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## H.

### IN EQUITY—DAHLL v. CLARKE.

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#### IN THE QUEEN'S BENCH.

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This suit is brought by Elizabeth Dahll and her children and grand-children, the widow and children and grand-children of the late Alexander Dahll, against Henry J. Clarke, to have an alleged will of Alexander Dahll deceased, purporting to be executed on the 3rd day of December, 1879, declared void, and to compel defendant to account for transactions affecting the property and state of the late Alexander Dahll, had with Dahll in his lifetime.

Dahll, deceased, was a farmer, residing in the Parish of St. Paul, where he died on or about the 8th of December, 1879.

The defendant is an attorney and solicitor residing in Winnipeg.

The bill sets forth that Dahll, for a long time prior to his death, had not the possession of his ordinary judgment and senses, and through periodic, excessive intemperance, and indulgence in strong drink, was, at times, in a state of insanity, and was incapable of managing and transacting business in a rational manner; and shortly prior to his death, he had indulged to great excess in strong drink, and, as a consequence, was greatly disturbed and disordered in mind and body; and while laboring under the consequent insanity took a large quantity of strychnine, by the effects of which, taken in connection with his frequently disordered and shattered system, resulted in his death five days after he had taken the same. While Dahll was in the state he was after he had taken the strychnine, he was visited by the defendant, who pretends that he had received from Dahll instructions to prepare his will; and defendant prepared what he now pretends is the last will and testament of Dahll, deceased; and shortly before the death of Dahll, he pretends that the will that he had caused to be prepared in Winnipeg, was brought to the house of Dahll in the Parish of St. Paul and was executed by Dahll as and for his last will and testament. But the plaintiff's charge that Dahll, at the time that the alleged instructions for the preparation of his will was given, and at the time that he is alleged to have executed the will, was not in a sound and disposing state of mind, and that the said pretended will is not the will of Dahll, deceased; and that the contents of the said pretended will strongly corroborate the charge which the plaintiffs make.

The bill further sets out that Dahll died seized and possessed of considerable real and personal property—the absolute control and disposition of all which are by the terms of the pretended will, as the plaintiffs are informed, vested in the defendant alone, at his absolute discretion, he being the sole executor and devisee under the pretended will.

The bill then alleges that in the lifetime of Dahll, Dahll, through the defendant as his solicitor, sold and disposed of certain lands for \$5,250, or thereabouts, to one Oliver; and the plaintiffs are informed and believe that a small portion of the purchase money was paid to the defendant, who, in so far as the plaintiffs know has not accounted for the same; and the residue of the purchase money with interest was secured by mortgage which the defendant, shortly before the death of Dahll, and while he was in the state that he has been described, came to the house of Dahll, and under pretence that he would collect the interest thereon in arrear and pay over the same, obtained the said mortgage and now has the same, but has never paid any interest thereon except \$10 given to the plaintiff, Elizabeth Dahll, the widow of Dahll, deceased.

The bill prays that the said pretended will may be declared void and of no effect.

That the defendant may be ordered to account for his dealings and transactions with the estate of Dahll, deceased, prior to his decease and subsequent thereto, and may be ordered to deliver up all papers in his possession or under his power or control in any way relating to the property, estate and effects of Dahll deceased, and that the defendant may be ordered to pay the costs of this suit.

The defendant, in his answer, says that he was not aware of the habits of Dahll, deceased, in respect of excessive use of stimulants, nor was he aware when he saw him on the 1st December that he had been indulging immoderately in drink, and was incapable of attending to business. He admits that he took instructions to prepare a will for Dahll and had one prepared, which was executed by him, through his procurement, but that it is not such as were his instructions. He denies that he ever intended to act on that will, and declares that he filed in the Probate Office a renunciation. He admits that he acted as the solicitor of Dahll in selling certain lands and property, but denies that they were sold for the sum alleged in the bill, or that the mortgage is for the sum stated, and he alleges that he obtained the mortgage shortly before the death of Dahll, not to collect the interest but to sell it and invest the money for the benefit of Mrs. Dahll. He claims that Dahll is indebted to him and not he to Dahll, and prays to be hence dismissed with his costs, or that a decree may be made ordering him to be paid what shall be found due to him.

This cause came on for hearing by the way of taking evidence on motion for decree on the 20th April last.

As in this cause considerable property is involved, and as the character of a Solicitor of this Court, by the charges in the bill, is somewhat compromised, I think in justice to him, if for no other reason, I should undergo the labor of transcribing all the evidence.

ELIZABETH DAHLL, sworn for the plaintiff, says:—

“I am the wife of the late Alexander Dahll, deceased, who died about the 8th of December last. He resided in St. Paul Parish. He was not long ill. He had been drinking hard. While he was drinking, I came up to Winnipeg with him and we saw the defendant, who is a practicing attorney. He wanted money from him which he had belonging to my husband, from the sale by him of a house, farm and other things of my husband out at Victoria, which were bought by Mr. Oliver, for which Oliver gave \$5,250—\$5,000 for farm and house and \$250 for wood. Certain chattels were sold which I think were to be paid for in two years, consisting of 3 carts, 4 ploughs, 1 reaper and mower, 3 cows, 2 brindle oxen, 1 white ox and 1 red ox, and other property mentioned in the bill of sale from Alexander Dahll to Jessie Starke, wife of R. W. Oliver, dated 20th August, 1879, filed in the County of Lisgar 21st August, 18.9. The conveyances were to Jessie Starke, wife of R. W. Oliver, although R. W. Oliver was the purchaser. \$1,000 was to be paid down; the rest, I thought, was to be secured by mortgage. Whatever was got was given over by Dahll to the defendant. This was about August, 1879. My husband never got this money from the defendant as far as I know. When we came up and saw the defendant, about the first of December, it was for the purpose of getting the money the defendant, through the sale to Oliver, had received, belonging to my husband. We asked him for the money. He said it was too late that day, as the bank was closed, but said he would bring down the money next day. The defendant asked my husband had he made a will yet? Yes, he answered, he had his will made. He then asked, who were the executors? and my husband said, Mr. Higgins and Mr. MacArthur. The defendant then said: ‘Would it not be better to leave out Mr. Higgins? He has cheated you already, and when your wife is left alone, he will do so to her.’ We returned home. The defendant came down next day and asked me how was my husband. I said, he is very ill, and he then went into the room and saw my husband, who was in bed very ill, and as he saw him he said: ‘Sometimes I get into that fix myself, and I then feel almost disposed to take poison.’ The defendant then asked: ‘Have you any money in the Montreal Bank?’ My husband made no answer. I then came out of the room and the defendant came out along with me, and he said: ‘I do not think Dahll will last long.’ He then said to me: ‘Give me the Oliver mortgage and I will make all the papers in your name and nothing can be touched.’ On this I went and got and gave him the mortgage. He took it away, and said he would return next day with it and a proper paper writing. He did not come next day, but his brother, Frank J. Clarke, and his nephew Abjon, came in his stead. They said they were sent down by the defendant, and they had a proper writing in the room, which my husband was to sign. I thought it was something for my husband to sign to hand over the mortgage to me. I went out, but came in, and my husband had to be held up to sign the paper. I assisted in holding him up. I do not know that any paper was read. My husband at that time was altogether incapable of exercising a sound and disposing state of mind. He was almost dead. He certainly did not know that he was signing what purported to be his will; nor did I suppose anything of the kind. I was lulled into the belief that some paper was being signed to hand over the mortgage to me—so the defendant had promised. Frank J. Clarke and Abjon went away, taking the paper along with them. I supposed this was all right as it would, with the mortgage, be handed to me by the defendant. Shortly after that my husband died. He continued out of the exercise of his judgment and intellect till his death. After his death I came with Mr. Pritchard to town to see the defendant to get the mortgage and paper-writing

he had promised me. I asked him for the papers he had promised to send down. He said he had not the papers ready, and he then said he would come down and would bring the papers, and would send a note to Mr. Pritchard of his coming, so that he might be present. I said I came up to get some money, and he then put his hand in his pocket and gave me \$10. He said he would be down in two or three days' time. He never came. He never said anything about a will, or preparing or drawing a will, except as I have stated. I have never seen him since.

CHARLOTTE DEVELIN, sworn for the plaintiffs, says :—

"I have heard the evidence given by my mother ; I know the facts and circumstances of the case, and I say they are substantially correct. I was at my father's house from the 4th to the 8th of December, the day of the death of my father. During all the time I was there, he was unfit to transact any business. During all that time he was not possessed of reason or judgment, nor was he of a sound and disposing state of mind. The alleged will was signed on Wednesday."

FRANK J. CLARKE, sworn for the plaintiffs, says :—

"I am brother to the defendant. I know the widow of the late Mr. Dahll. I look at what purports to be the will of Mr. Dahll, of St. Paul, who died about the 8th December last. It is dated the 3rd day of December last. It is my handwriting. I copied it from a draft made by defendant, by his direction. The same afternoon, the defendant left the town for Rockwood. The defendant told me to copy the draft he had prepared and then to take it, and take a witness along with me, for fear none were there, and go down to St. Paul, to Dahll's house, and have him execute it. On the same afternoon, the 3rd of December last, I went to Dahll's house and took with me Mr. Abjon, my nephew, then in and about our law office, and got the will executed. Dahll was in bed and appeared to be very ill. I spoke to his wife in the first place, when I went in, and enquired how he was. She said he had passed a bad night, but was then much easier. Mrs. Dahll asked me if I had the will. I said yes. We then went into the room where Dahll was in bed, and seemed to be, ever and anon, in great pain. He was, as I understood, inhaling chloroform from a handkerchief. He asked me about the will. I told him I had it. He asked for the defendant. I told him the defendant was out of town. He asked me to read the will to him. I did so. I filled in the name of his wife and also the names of their children. These were the youngest. He said the rest of the children could take care of themselves. To this the wife assented. Dahll then signed the will. He was raised to a sitting position and the wife assisted in doing this. I and Abjon and a servant girl witnessed the execution. I then left and brought the will away with me, and showed it to my brother, the defendant, when he returned, but this was after Dahll's death. I made up the papers for probate of the will. I did this at the instance of Mrs. Dahll, who called at our office with Mrs. Develin, and expressed herself anxious the will should be proved. She communicated with me and professed to be indignant that my brother, the defendant, had not attended to her business or affairs. After this the widow called with the Reverend Mr. Pritchard, and had a conversation with the defendant. I was not present. I think Mrs. Dahll was at the office more than once. I made up the papers for probate of the will. When I applied for probate, I found a *caveat* had been filed, and the application was refused. I think this was on the 5th January. Afterwards, a day or so, the defendant executed and filed in the Probate Office a renunciation of executorship under the will."

ROBERT BUCHANAN FERGUSON, sworn for the plaintiffs, says :—

"I am a doctor of medicine, and reside in Winnipeg ; am practicing my profession—duly licensed to practice. I attended the late Alexander Dahll in his last illness in December last. Was called there professionally. This was about one o'clock in the morning of said December 2nd or 3rd, at St. Paul's parish, at his house. I found him suffering from a dose of strychnine he had taken. I prescribed for him and remained with him for about ten or twelve hours. I then left and returned in the evening

about five. I found two persons there who, I have since learned, were Frank J. Clarke and one Abjon. I afterwards understood that they were getting some documents signed. The family, apparently, knew nothing about a will. They left before I did. I consider, from the time I saw him in the morning until I saw Clarke and Abjon go away, he was not in a sound and disposing state of mind. I learned from Mrs. Dahll that Dahll had been indulging in excessive drink, and in a paroxysm had taken a large dose of strychnine which he had in the house, and was in paroxysms when I went to him in the morning. I gave him hydrate of chloral and chloroform, and left that medicine for him when I went away, with directions how it was to be given. On my return in the evening, I learned that it had been administered rather freely, and I found him in the evening incapable of continuous thought or reflection, and quite incapable of doing any business. In the state he must have been in from the time I left until I returned, I consider he was incapable of doing any business. Spasms would recur from the effects of the strychnine, and his agony would be terrible. From the time I saw him first until the day of his death, which took place on the 8th of December, 1879, he was not in a fit state to make a will or do any business."

No other evidence was offered for the plaintiffs.

The defendant gives no evidence at all, although the hearing has been postponed several times to enable him to do so.

Mr. Biggs asks for a decree setting aside the will.

Mr. Howell, counsel for the defendant, submits that no decree can be made against the defendant for an account, as no representative is before the Court to whom he is liable in law to account.

The first question I have to consider, is the validity of the will referred to in the pleadings.

It is needless for me to say, that under the evidence, the alleged will of Alexander Dahll cannot be sustained.

From the evidence I am compelled to go much farther. It was the result of fraud and deception. On the first of December, Dahll and his wife, late in the afternoon, met or had an interview with the defendant, at his hotel, in Winnipeg. I say late in the afternoon, because Mrs. Dahll says, the visit of herself and husband was for the purpose of obtaining from the defendant the money he had received from the sale to Oliver of the farm and property at Victoria—about \$1,000—and that defendant offered as an excuse for not giving it to them, that it was past bank hours; but that he would draw the money next day and bring it down to their house, at St. Paul, where they resided. She swears that she was with her husband during all that interview, and not one word was said to the defendant about preparing a will; on the contrary, they both told the defendant, that Dahll had already made his will and that Higgins and MacArthur were the executors.

It appears the defendant went down next day, which would be the second day of December, but brought down no money to them, but inquired of Dahll if he had any money in the Bank of Montreal, to which inquiry he got no answer, but he managed to obtain, from Mrs. Dahll, the Oliver mortgage; if on the terms and for the purpose Mrs. Dahll says he got it, or if on the terms and for the purpose he alleges he got it, under the circumstances in which the Dahll family were then placed, a transaction alike discreditable and unprofessional. What surprises one is to find, among the exhibits filed by the defendant, a power of attorney from Dahll to the defendant executed on the 2nd December.

Notwithstanding what the defendant states in his answer, he drafted the will, gave it to his brother, Frank J. Clarke, to engross, and directed him to go, with a witness, down to Dahll's house and get it executed, and after it was executed and brought back to his office, he saw it and no doubt gave directions to have it proved and to obtain probate of it, and would have succeeded in this had not a *caveat* been filed on the morning of the day application was made for probate.

From the medical and other evidence, it is clear that Dahll, when he signed and executed the alleged will, was not in a sound and disposing state of mind—that he

was incapable of doing any act, which in this respect would bind him—and that the least that can be said of the whole transaction, is, that it has all the surroundings and characteristics of an attempted imposition and fraud; and the internal evidence of the document itself supports this conclusion.

It appears from an examination of Dahll's pretended signature to the instrument, that he was unable to write his name legibly and that another person finally wrote his name to the instrument, when or at what time, and whether or not at the request of Dahll, does not appear from any note to the document nor from any evidence before me.

From every point in which the alleged will can be regarded it is clearly void.

Viewing the transactions of the defendant with Dahll in his life time in the light of the *viva voce* evidence, and the suspicion thereby thrown over all the documentary evidence produced, I am not satisfied with the account the defendant gives of those transactions, or of the result at which he arrives. That result may be correct, but if it is, one cannot understand the conduct of Dahll, in his lifetime, on the sworn evidence of Mrs. Dahll. These transactions, one would think, are susceptible of being satisfactorily tested by cheques, bank deposits, and so forth, and by reference to what was done with the money.

The conduct of the defendant in respect of so important a document to the family as a will is calculated to shake confidence in his other transactions with the family, and would impose upon the Court, under a proper case, the duty of having them satisfactorily cleared up.

But I do not see how that can be done in this suit. The plaintiffs, as the widow and children of Dahll, deceased, are not clothed with the power of legally demanding an account by administration or otherwise. After being clothed with legal authority they may demand an account.

The decree will, therefore, declare that the alleged will, having been procured by the defendant through fraud, and executed by Dahll, if indeed Dahll executed it at all, while he was not in a state to make a will, is void and of no effect.

The defendant must pay the costs of this suit.

#### CHAPTER IV.

##### *Observations on fourth paragraph of Mr. Clarke's Petition.*

"That the said Hon. E. B. Wood is in the constant habit of introducing local and Dominion politics into his charges to grand jurors, and of taking an active part in politics, local and Dominion, and did so more conspicuously than usual during the last local election at Winnipeg, when in a barber's shop, in the presence of a number of people, the said Hon. Chief Justice E. B. Wood made a most violent attack on the character of one of the candidates then seeking election."

I am charged with being in the constant habit of introducing "Local and Dominion politics into my charges to the grand jurors' &c." I quite agree with the proposition that it is advisable for a judge to keep himself aloof from political parties; at the same time, I do not think the rule, or the reason of the rule, goes so far as to make it improper for a judge to express his opinion in conversation on politicians and on passing political events. I have in no way, shape, or manner, since I have held the office of Chief Justice of Manitoba, been connected with, or mixed myself with, or been joined to any political or other party, either Local or Dominion, either in charges to the grand jurors or in any way otherwise.

Now, did this issue, which is joined, depend for its determination on Mr. Clarke's affirmation and my denial, according to the legal rule (unless Mr. Clarke has a character for veracity superior to mine) the issue must be found against him. But, wherever in his petition he ventures on a statement which is susceptible of being tested by facts, there is no difficulty. I call as unimpeachable witnesses, my several charges

to the grand jurors for the seven years I have been in Manitoba. They are clipped from the current newspapers of the day. They are subjoined.

But before introducing those addresses to grand jurors, I must really ask to apologize for producing a letter to me from Mr. George L. Firestine, disproving the latter part of the allegation in this paragraph, and explaining how, and on what material, this senseless story "of politics in a barber's shop, and of violently attacking one of the candidates" was manufactured by Mr. Clarke. Of course, I attach no importance to the story itself, nor do I suppose His Excellency in Council will; yet still it is important, in this connection, as showing upon what kind of information, and from what kind of source his several charges in his petition are founded.

Mr. Firestine is a highly respectable and a perfectly reliable man; and shortly after the appearance of Mr. Clarke's petition in the newspapers, he sent me the following letter. It speaks for itself.

"April 3rd, 1881.

"DEAR SIR,—I notice in a petition against you as Chief Justice of Manitoba, got up by one Henry J. Clarke, published in the city newspapers, a paragraph to the effect 'that you are in the constant habit of introducing politics in your charges to the grand jurors, and of taking an active part in politics, local and Dominion—and that you did so more conspicuously than usual during the last Local election at Winnipeg, when in a barber's shop, in the presence of a number of people, you made a most violent attack on the character of one of the candidates, when seeking election.'

"I suppose your addresses to the grand jurors which all appear in the newspapers, will speak for themselves; in them I am not concerned; but I am concerned in the allegation of your 'taking an active part in politics, and of your making a violent attack, at the last local election at Winnipeg in a barber's shop upon one of the candidates'; because it was in my barber's shop, and in my presence, that the occurrence is said to have taken place. The whole story is a most malicious and wilful fabrication. There is not one word of truth in the whole matter. I recollect most distinctly the time referred to, and I am now able to bring to my remembrance all that occurred in which you were said to be implicated, from the fact that, since the appearance of the paragraph in the newspapers, it has been much talked of. This is all that occurred, when you were present. You came into the shop in the afternoon and took your seat on the tonsorial chair. I shaved you. While I was shaving you a person by the name of Montgomery was talking rather energetically about the election coming on in Winnipeg, the canvass for which was then progressing. You said nothing. After you had been shaved, and as you were getting out of the chair, Montgomery was just closing a highly colored panegyric on Mr. Woodworth, one of the candidates, by saying he was the greatest historian, the greatest orator and the greatest lawyer in the country. You laughingly remarked 'he may be a great historian, a great orator; but the Manitoba Law Society say that he is not a great lawyer' and you passed out of the door without saying another word. Your remark seemed to take Montgomery down. He looked a little chop-fallen."

"Since this false story has appeared, I have had frequent conversations with those who were then in the shop and heard all that passed, and with Montgomery also, and they substantially agree with me in the statement I have made. The query is how did Mr. Clarke get hold of this matter and weave a tissue of falsehoods out of nothing? From enquiry from Montgomery I learn that he on that evening met Clarke, Tuttle and Woodworth, and they had some oysters together; and in talking over political matters, Montgomery mentioned the incident in my shop, and said he did not know, but he thought the Chief Justice was not a supporter of Mr. Woodworth—that then, Mr. Clarke then took out a memorandum book and made some notes in it, and said 'There was another item. He would shortly attend to the Chief Justice.' Montgomery says he explained to Mr. Clarke that there was nothing in what you said; but Clarke said he understood it—he would attend to the matter. Hence the story he has fabricated.



"I may add that I have been upwards of five years in Winnipeg and that you could not intermeddle in politics or with political parties without my hearing or knowing of it, and I have not known, nor have I heard anything of the kind, and I pronounce the whole thing a deliberate falsehood."

Yours truly, &c., GEO. L. FIRESTONE."

"Hon. E. B. Wood, Chief Justice.

I add an extract from a letter to me from Mr. Woodworth relating to this subject, which I received after I had prepared my answer to this paragraph.

"WINNIPEG, August 13th, 1881.

"MY DEAR SIR,—I have been absent from the Province for the last eight weeks, and consequently did not receive your letter of the 16th June last past until to-day, or most certainly my answer would have been at once most cheerfully given."

"I did take the trouble to enquire whether, during the last election for member for the City of Winnipeg, when I was a candidate, the Chief Justice of this Province in a barber's shop in the city of Winnipeg, or elsewhere, made an attack on my character, either direct or implied, and I am informed, by those most competent to know and judge, that such a charge is wholly without foundation and entirely baseless."

"I am dear Sir, your most obedient Servant, D. B. WOODWORTH.

"Hon. E. B. Wood, Chief Justice."

I now subjoin the several addresses to grand jurors. They consist of October, 1874, February, 1875, June, 1875, October, 1875, June, 1876, March, 1877, October, 1877, March, 1879, October, 1879, and March, 1880. These constitute all the Assizes that I have opened and held since I have been in this Province.

#### October, 1874. *The Charge.*

The grand jury having retired and selected Mr. Robert Morgan as foreman, and they having been sworn in, His Lordship the Chief Justice said:—

Mr. Foreman and gentlemen of the grand jury—This is the first time that I have had the pleasure of charging a grand jury in the Province of Manitoba. It gives me great pleasure to see that so many have responded and answered to their names. In some Provinces and in England it might be considered somewhat of a hardship if so many persons were taken from the body of the people for the administration of justice, but in your country you are to be paid \$2.00 a day, being \$1 more than what is paid in Ontario or Quebec or the other Provinces, so that at any rate you are paid for your time while engaged in the administration of justice. It has been very much questioned whether a grand jury or any jury is essential to the administration of justice or not, but recently the feeling in England and elsewhere is decidedly in favor of retaining this ancient plank in the bulwark of liberty and justice. The best minds in the country named had exhausted every effort in discussing this question, with the result mentioned. The benefit which flows to the country from the grand jury and the jury system are incalculable. Juries are not supposed to try a case. They are to say whether the offence charged was committed and whether the person charged is the person or not. When a crime is committed it is an offence against the Crown, and the Crown is not a mountain, but society itself, and society makes laws for the good government and protection of all. The grand jury does not necessarily wait until it is called upon to act, it may examine and make presentments, and one of the most important duties it is supposed to perform is the examinations of prisons and penitentiaries. Recently at eleven o'clock at night two prisoners charged with grave offences had broken out of jail and were now at large. This was a matter that required the most searching investigation, and the grand jury must make an investigation of all the facts and circumstances connected with the same. His Lordship then spoke eloquently of the duties of the jurors, and closed his remarks by a brief explanatory allusion to the different cases which would come before the grand jury for their consideration.

February 1875. *Charge to Grand Jury.*

The Chief Justice said:—

Gentlemen of the grand jury—The constitution of grand jurors runs back to a remote period in the history of English criminal jurisprudence. In great struggles between the Crown and the people, the nobles and the commons, the strong and the weak, the powerful and the impotent, for personal liberty and popular rights, grand juries have acted no inconsiderable part in the history of our country and nation. We can trace its existence in a crude state to the laws of King Ethelred. In the subsequent development of the Anglo Saxon commonwealth into a British Empire with its vast, widely separated, and distant possessions all over the Globe, in all British communities and populations, as well as in those who sprang directly from them, we find substantially the same grand jury organization, composed of the most substantial, intelligent and important gentlemen of the country, who form a shield and defence for the innocent, and an inquisitorial tribunal into all misdemeanors and felonies committed or suspected to have been committed within the body of the territorial limits over which their jurisdiction extends, and the state, condition and management of all prisons, asylums penal and other like public institutions within the same limits.

The duty of a grand jury is therefore very important in a free country. With them, must originate, in the Court of Oyer and Terminer, the prosecution of all offences; and to them belongs an inquisitorial visitation and investigation into the state, condition and management of all those institutions in the nature of prisons, asylums, penitentiaries and reformatories sustained or aided at the public expense. They have the right, also, to take into consideration the general state of the country, its moral and educational condition in its relation to law and order, and the prevention of crime, as well as such measures and policy as in their judgment would promote the material prosperity and the moral and intellectual advancement and welfare of the whole people—for all these matters are closely connected with transgressions of the law; but the inquiries should be so conducted, and the results so reported, as not to invade the constitutional rights and privileges of any class, or the political tenets or dogmas of any party.

Five years have passed away since Manitoba became a Province with an organized Government. At the beginning of its career it had many difficulties to contend with. Previous disorder and lawlessness had unsettled men's minds, and had arrayed race against race, section against section, and in many instances, neighbor against neighbor; and the knowledge of the unsettled state of affairs, and the apprehension of fancied or real danger to the security of life and property had a depressing effect, and greatly retarded a flow of immigration into this country, especially of a class of incoming settlers bringing with them wealth and a character calculated to raise the standard of education and morals, and to teach by precept and example the graces and amenities of a more advanced civilization. To add to these embarrassments, the inhabitants of Red River have been terribly afflicted with annual visitations of grasshoppers, which in their destructive course devoured almost every green thing in the land, and blasted the hopes and saddened the heart of the husbandman, and forced the people to a large extent to have recourse to importation for all the common articles of domestic consumption for themselves and grain for their cattle.

As to the unsatisfactory state of the country, and the excusable irritation growing out of the troubles of 1869-70, aggravated by the manner in which they were dealt with both by the Government of Canada at Ottawa, and by the Government of Manitoba at Winnipeg, I think I may venture to say that the feeling of irritation and the sense of wrong done have been softened by time, and are fast fading away; and although it may be difficult to erase the past from memory, yet the great law of love, always, did we but believe it, in harmony with our best and our highest interests, it is to be hoped, will lead us to forgive if we cannot forget. We all profess to be Christians. It is laid down that no one can have the spirit of Christianity without charity. Let a broad Catholic charity enfold us in its mantle. However great may be our ability and untiring our assiduity in promoting the public good, and however

ardent may be our patriotism, yet if we have not charity we are nothing, charity suffereth long and is kind; charity envieth not; charity vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeking not her own, is not easily provoked, thinketh no evil, rejoiceth not in iniquity; but rejoiceth in the truth, beareth all things, believeth all things, hopeth things, endureth all things. We have quite long enough been made the sport of designing politicians. It is quite time that we put aside our local petty bickerings and cease to be led by artful demagogues. Taken altogether we are but a handful of people. With all our strength united we are but weak; but divided and torn asunder by the memories of the past and the illusions of the present, in asserting our rights in the halls of the national legislature, our numbers are never counted, our voice is never heard, and our strength is never felt. No country can ever become great and wealthy whose population is torn asunder by intestine prejudice, envy, hatred and strife; whose population does not refer all differences to be settled by the judgment of its Courts according to the law of the land; whose population have recourse to violence and unlawful action for the redress of real or imaginary wrongs, instead of to the customary and lawful channels pointed out by the law; whose population do not loyally submit to the lawful and constitutional decisions of Her Majesty's Courts and of those executive and constitutional officers, whom the constitution clothes with the responsibility of carrying into execution, or forbearing to carry into execution the sentence of her Courts; in short, whose population was not a law abiding people in the most extensive sense of the word. So here in this country we need not expect immigration and capital will come to us except we inspire confidence as to law and order, and as to the security of investments and the protection of life and property; and we cannot do this so long as it is necessary, if it is in fact necessary to keep in our midst a military force to repress internal violence. In all British communities public sentiment is a sufficient sanction to the decisions of our Courts, the execution of its process, the repression of violence and commotion, and the preservation of peace, and the maintenance of law and order in society. Why should it not be so with us in this Province? Who is disposed to stir up disorder and counsel a breach of the peace and a disregard of the lawful acts of those constitutionally in authority? I am already of opinion none such can be found. All have equal rights before the law, and all must obey the law and be governed by it. Let these words sink deep into your hearts, and when you return to your homes impress them upon your neighbors, acquaintances, and those with whom you mingle and associate, and your gathering here aside from your other duties, will not have been in vain; and one of the great objects of the grand jury system being made part of the administration of justice will have been attained.

As to the material state of the country, it certainly is not encouraging. No country can expect to prosper under the circumstances and in the conditions in which we are placed. We have everything to buy and nothing to sell. During the past year we have imported not less than two and a half millions of dollars worth of goods, and we have exported nothing but some furs from all the great North-West, worth perhaps three hundred thousand dollars, and even this money comes not back, but goes into the pockets of persons in England, and if any of it is returned, it is in goods imported. For the payment of these large importations, and for freight on them and other charges, we have to rely entirely on the small sums brought in by immigrants, and the miserably small outlay on public works by the Government at Ottawa. This course of things cannot last. We must begin to produce something we can give in exchange for imported commodities, and turn our attention to manufacturing the coarser implements and articles which we require and cannot do without, and in this way lessen our importations as much as possible. Far too many of those who come here desire to acquire property suddenly, by trade and speculation, instead of entering upon the production of something which is necessary to the production of something else, and in this way, by a home production supply, a home demand or a foreign market, and thus add to the produced wealth of the country. Merchants and traders are no doubt necessary in a community. But it must not be forgotten that they are more exchangers, not producers or creators of wealth. So

with the lawyer and the surgeon; and so with a large class who live by their wits, but in fact live on the production of the producers. In this country agricultural pursuits, in its grain raising, in its cattle and sheep raising, in its raising of horses, making of butter, in its root growing offer the readiest and most obvious field for production, all of which for some time to come would find a ready and remunerative home market—always assuming the land is not soon to be again cursed with grasshoppers—and to these pursuits many now seeking a speedier method to success by engaging in trade or speculation, will be obliged to turn their attention or become paupers on the industry of others; for Manitoba, if it ever becomes anything, is destined to be eminently and almost exclusively an agricultural country. What we must have, and that speedily, is direct railway communication between Winnipeg and Lake Superior on British territory, and a winter outlet by railway to Winnipeg with the railway system of the United States. Without these we can never hope to be anything, and all the outlay made by Canada in Rupert's Land is lost; with these, in ten years we will have in Manitoba alone a hundred thousand population; and all the outlay already made and that shall be made in accomplishing these public works will prove the most remunerative investment of Canada.

I should like to speak of the just claims of the Province in respect of the subsidy which should be paid to her to put her on an equal footing with the other Provinces of the Confederation, but I see that I have not time.

I will, therefore, pass to some definite observation on your duties as grand jurors, but before doing so I wish to make a remark or two concerning what in law is called embracery. The excellency, fairness, impartiality, safety and confidence of enquiry by a grand jury and trial by a petit jury, may be entirely defeated and destroyed by embracery, which is making advances to jurors by persons outside addressing to the jurors explanations, arguments, appeals to passions or prejudices, inducements by way of offers or promises or in any other manner, considerations which are calculated to influence the jurors in the determination of the matters which are to be brought before them; and which by law they are sworn to decide alone by the sworn testimony given before them in the grand jury room in the case of grand jurors, and in the witness box in open court, in the case of petit jurors. This offence, to a certain extent, I am afraid, has been practised in Manitoba. It is a grave offence both in the juror who permits such advances, and the person making them; and both committing this offence are liable to indictment and heavy punishment. I warn all petit and grand jurors to beware of this offence. Under no circumstances, and for no cause however plausible, permit any one apparently excusable and innocent it may be to speak one word to you about any matter you are already considering or which may be brought under your consideration for decision. A contrary course will sap the foundations of trial by jury and eventually overthrow our whole judicial system.

I wish to make another remark in respect of abuse and threats to jurors for the manner in which they have decided. This was done, as I was informed, in the case of a decision by a jury the last sitting of this Court. This, also, is a grave offence, for which those guilty of it are liable to be indicted and visited with heavy punishment. In the case I allude to I have since regretted I did not direct a prosecution to be instituted against all those who could so recklessly trample the sacred rights of conscience, and the sanctity and purity of the administration of justice. I give this warning to those who have offended, and who shall offend, in this direction, that if there be a repetition of what took place last court, and it comes to my knowledge, every offender will be proceeded against, and if convicted will be signally dealt with.

I am happy to inform you that the criminal calendar is very light. There are six cases of larceny, one of homicide, and one of perjury, brought before you, as appears by the statement before me.

#### *Supplementary Remarks.*

His Lordship informed the grand jury that the above was as much as he had had time to write, but that he would make a few remarks in regard to the calendar.

The three kind of offences charged with which the grand jury would have to deal were larceny, homicide and perjury. What constituted larceny was generally understood, and needed but very little explanation. It consisted in the appropriation of other persons' property without their consent. It became the jury to first ascertain if such an act had been committed; if so, it was then for them to determine by whom. Homicide was the killing of a man, no matter how the killing came about. The British law was such that no man could be killed by another, without investigation. It sometimes was the result of such accident that no blame could attach. In such case the party instrumental in the death was not punishable; but fatal accidents were sometimes the result of gross carelessness, and for such the party was held responsible, and might be punished for the crime of manslaughter. Perjury was probably one of the most abominable offences known to the law. The simple liar was despicable enough; but when a man enforces a falsehood with another, it was simply terrible. The law provided vigorous punishment for this offence, as the commission of this offence might not only rob a man of his property, but of his liberty and life. A false witness could swear a man out of his property, destroy his liberty, or even take his life. It was very rarely that this offence was brought to light, save through spite. Ordinarily it was to gratify revenge that one party complained of perjury against another. However, the motive that led to the complaint being made, was not a matter for the consideration of the law. It became the jury to weigh carefully the evidence that the Crown counsel should suggest, and if the jury felt that more was required, they could make their desires known to the Crown counsel, and if the counsel thought proper such evidence would be procured.

There was a class of cases that required magisterial investigation before being brought before the grand jury. This class included perjury, indecent assault, obtaining goods under false pretences, and a few others. The purpose of the law in this particular was to prevent injury to innocent persons who might be the victims of spite. If the grand jury were persuaded that the evidence brought before them was such, that had they been petit jurors, and it coming before them from the witness box, and they deeming it sufficient to return a verdict of guilty, it was their duty to find a true bill and send the case up for trial, but if the evidence were less conclusive, then it was their duty to ignore the bill. His Lordship added that it was the duty of the grand jury to visit the jail, and if they could find it convenient he would recommend them also to visit the penitentiary. The jail, as far as he had seen it, was exceedingly well kept. His Lordship congratulated the jury upon the scarcity of crime, which was worthy of special remark. The morality of the city was also notable. The Province, he believed as a whole, could read a lesson to almost any county in Ontario on the scarcity of crime; and he believed that so soon as the offences growing out of the troubles of '69-'70 were disposed of, there would be but little serious criminal business to dispose of at these Courts. His Lordship then ordered the grand jury to be conducted to their room.

JUNE, 1875.

His Lordship Chief Justice Wood, delivered the following

*Charge :*

Gentlemen of the grand jury,—I am happy to meet the grand jury of this Province, after having presided over this Court now for one year.

The laws defining the civil rights of a people, and the administration of those laws, in connection with an impartial and unwavering administration of criminal justice by Courts, lie at the foundation of the peace, happiness, liberty, order, security, advancement and prosperity of a nation. It is one of the laws which we have adopted, and of the system of government under which we live and are organized with political autonomy, that they are not imposed upon us by any Cæsarean power, either without or within, but spring from, and are in fact, the spontaneity of and rest for their sanction and authority upon the people themselves. Both these, to a large

extent, are under the legislative jurisdiction of the Province; and while the former in so far as they affect property and civil rights, which is of a wide and extended range, may from time to time be repealed, altered, changed, amended, supplemented, or done away with and new laws enacted in their stead, so also may changes be effected in the framework of our civil policy, provided they be within the limits prescribed by the constitution.

It is also a peculiarity of our system of the administration of justice, that the people themselves form an important part of our courts. While we have judges, learned in the law, to preside over our courts, who are independent both of the Crown and people, and can be called to account only for nonfeasance, misfeasance, or malfeasance, and, as a rule, are amenable alone to the bar of enlightened public opinion, we at the same time have petit jurors and grand jurors, selected at short intervals, in all parts, from the body of the people, with whom, if pushed to the extreme, rests on the last reduction, the final decision in every right, and the final acquittal or conviction in every offence.

There can be no question that jury trial in general may properly be looked upon as at once the excellence and the glory of English jurisprudence. In sober reason it is no small birthright, and no small privilege to belong to, and be one of, a nation, the meanest subject of which cannot be affected either in his person, his liberty, or his property, except with the consent and judgment of a jury of his neighbors and equals—a fundamental principle in the constitution, which more than any other single cause has secured to the people their just liberties, and to the nation immunity from change and revolution in the essential features of its government for a long succession of ages; and we see no ground for conjecturing that the time will ever come when those liberties and that immunity from disruptive revolution or other causes, will be surrendered, lost or overthrown. We, therefore, are not apprehensive because Rome, Sparta, Athens and Carthage, and other nations lost their liberties, and time in his hurried march has swept them from the map of the nations of the world, that England will one day be what the land of Priam and Demosthenes are now, and other new nationalities arise to be what England was, that the time will ever come as has been suggested by Lord Macaulay: "When some traveller from New Zealand shall in the midst of a vast solitude take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's," or "when the sceptre shall have passed away from England, and travellers from distant regions shall in vain labor to decipher on some mouldering pedestal the name of her proudest chief, shall hear savage hymns chanted to some mis-shapen idol, over the ruined dome of her proudest temple, and shall see a single fisherman wash his nets in the river of ten thousand masts"—according to the theory of those historians who regard the life of a nation as analogous to the life of man—having its infancy, its youth, its maturity, its decline, its old age, its decay, its final dissolution.

The constitution of the nations to which I have referred, as well as of most, if not all, the modern nations of Europe, whose judicature is founded on the doctrines and procedure of the civil law were, and are, widely different from that of England.

The impartial administration of justice, which secures both the property and person of each member of the commonwealth, is the great end of civil society. A state that has established confidence in this respect has accomplished its greatest function. This was wanting in all the nations of antiquity; and it is absent in many of the modern kingdoms. They had not, and have not trial by jury, to ascertain facts, before Judges whose highest authority only enables them to state the law and recommend its application to the facts so ascertained, so that according to the great character "no one may be arrested or imprisoned, exiled, or destroyed, except by the lawful judgment of his peers, or by the law of the land."

Our judicature is like our liberty, "it is neither Greek nor Roman, but essentially English. It has a character of its own." It is not moulded after Imperial or Republican models. Like our civil policy, it springs directly from the people, and is interwoven into every web of society. Its process, its judgments and decrees, are not executed or enforced by a ubiquitous police, or an omnipresent military power; but

they derive their authority and sanction from the intelligent sentiment of order and justice in the heart of the nation.

The introduction and incorporation of all classes into the administration of justice is an element in our jurisprudence, which distinguishes it from the judicial system of all other nations, both ancient and modern, and greatly conduces to the respect, submission, and veneration which, in British communities, are eminently accorded to the judgments of our Courts, and to that stability of the Throne, and the permanency of our political institutions, which have rendered their foundations immovable amid the shock of revolutions with which the nations of the world have been convulsed within the last century.

These considerations and many others which might be suggested should teach you, should teach you all, how important it is that you have at least a general knowledge of the laws of the land in which you live. Aside from the general duty all owe society, to protect it from any unlawful aggression, and the advantage of being able to form a tolerably accurate idea of the rights and obligations springing from the multiplied relations of individuals, in trade, commerce, and in the infinite variety of pursuits, and industries of civilized life, all are liable to be called upon, as you now are, to perform the important function of grand jurors, or as the petit, now assembled here, are to decide the rights of property and civil obligations arising between man and man, to pronounce upon the guilt or innocence of those who are charged with offences against society; and as I have already remarked in the last reduction these findings and decisions are final, and from these there is no appeal.

Again, it must not be forgotten that we live under representative institutions, in which all power emanates from the people. Under such a Government the power wielded by the popular branch of the Legislature is, within the limits of its jurisdiction, omnipotent. Any of you may be called upon to discharge the duties of legislator—all, to exercise the highest prerogative of freemen, to vote for a properly qualified person to take his seat as a representative of the people, in the halls of legislation. To know what laws should be made (if any), and to know how to make them; to understand that a grievance or mischief exists, and to be able skilfully to devise and successfully apply a remedy; to apprehend the danger attendant upon intermeddling with customs, statutes and laws, hoary with time and consecrated by the experience of ages, demand and require some considerable research, study and reflection, and some preparation and training. At all events the legislator should have sufficient acquaintance with the general principles of the laws to deter him from dogmatism where he should be all deference; from arrogance where he should be all submission; and from presumption where he should surrender, and subordinate his own imperfect notions to the matured experience of those who have made the law their special study. No man is born a legislator. Cicero thought, and thought rightly, that it was a necessity to a skilful and successful legislator that he should understand the constitution and laws of his country; which, he says, implies extensive knowledge, great industry, and a richly stored memory, without all which he will fail, properly to discharge his duties.

The great commentator on the laws of England so long ago as 1765, said:—

“The mischiefs that have arisen to the public from incon siderate alterations in our laws are too obvious to be called in question; and how they have been, owing to the defective education of our senators, is a point well worthy public attention. The common law of England has fared, like other venerable edifices of antiquity, which rash and inexperienced workmen have ventured to new dress and refine with all the rage of modern improvement. Hence frequently its symmetry has been destroyed, its proportions distorted, and its majestic simplicity exchanged for specious embellishments and fantastic novelties. For, to say the truth, almost all the perplexed questions almost all the niceties, intricacies, and delays (which have sometimes disgraced the English as well as other courts of justice) owe their original, not to the common law itself, but to the innovations that have been made in it by Acts of Parliament, “overladen (as Sir Edward Coke expressed it) with provisoes and additions, and many times on a sudden penned or corrected by men of none or very

little judgment in law." This great and well experienced judge declares, that in all his time he never knew two questions made upon rights merely depending on the common law; and warmly laments the confusion introduced by ill-judging and unlearned legislators. "But if (he subjoins) Acts of Parliament were after the old fashion, penned by such as knew what the common law was before the making of any Act of Parliament concerning that matter, as also how far forth former statutes had provided for former mischiefs and defects discovered by experience, there should very few questions in law arise, and the learned should not so often perplex their heads to make atonement and peace by construction of law between insensible and disagreeing words, sentences and provisoes as they now do." "And if this inconvenience was so heavily felt in the reign of Queen Elizabeth, you may judge how the evil is increased in latter times when the statute book is swelled to ten times a larger bulk, unless it should be found that the penners of our modern statutes have proportionably better informed themselves in the knowledge of the law."

I have been led to make these observations from the confusion and distortion of the laws of this Province, made by numerous Statutes, ill-conceived, unnecessary, badly worded, illogical, and even if required to remedy any mischief (which they were not) inadequate to the purpose which during the existence of the first Legislature found their way on the Statute Book of this Province. At last a Statute was passed adopting the laws of England, and the practice of her Courts as they stood on the 15th July, 1870, the birthday of Manitoba. I think I may say, without exaggeration, that Act gave to us the most complete body of laws in respect of property and civil rights to be found in the world. We also have the criminal law and procedure in criminal matters, as they existed in England at that time, except as they may have been since changed or modified by the express enactments of the Parliament of Canada. The first session of the second Legislature, which has just closed its labors, in this direction, as a whole, has done a noble work for the Province. It has repealed or superseded many, if not all, the absurd and abnormal acts of previous legislation, and in their stead has placed on the Statute Book measures adopted to facilitate and give effect to the law already existing, and in some measure moulding the law and its practice so as perfectly to fit the circumstances and conditions of the country and its inhabitants. I fully concur in the remarks of His Excellency on proroguing the House, that "The Act for the better administration of justice, and the kindred Acts respecting overholding tenants, the imposition of stamps on legal proceedings, the office of sheriff, the government of gaols, the erection of county court houses, and registry offices, relating to justice of the peace and respecting fines and forfeitures (and he might have added, respecting short forms of indentures, choses in action, actions against and by the Crown, and in respect of grand jurors, and for the care of lunatics), are improvements of the existing laws, and will conduce to the advantage of the population."

But it was obvious to any one who watched the proceedings of the House that the "rage" was manifested by some of its members, for signalizing and rendering themselves immortal by making "innovations," and "improvements," on laws which the most gifted, the most experienced, the most thoughtful, and the most wise, of many generations have pronounced to be in form, faultless, and in substance, the perfection of human reason. Fortunately for the country, the good sense of the majority, in the one or the other of the Houses, repressed these attempts at startling and disastrous innovations.

You will therefore understand, gentlemen, how indispensable it is that you should have some knowledge of the constitution and laws of the country in which you live, properly to fulfil the obligations daily devolving upon you in your intercourse one with another, and creditably to discharge the duty you owe to society at large, and the nation to which you belong.

I need scarcely allude to the vast importance of those placed upon the commission of the peace understanding the outlines and rudiments of the principles and practice of the laws, especially in matters of summary conviction, and in preliminary proceedings in indictable offences. These gentlemen are, to a large extent, the



repositories of the peace and order, and the security of life and property, in the several neighborhoods in which they reside. An intelligent and conscientious magistracy is the surest safeguard society can have against the aggression of crime. With such a magistracy the protection of the innocent and the punishment of the guilty are assured. Without it the defenceless is robbed, may be murdered, without redress, and the bold criminal goes unwhipped of justice.

I am happy to tell you, gentlemen, that the ineligibility of magistrates to be grand jurors was removed by an Act of last Session, so that now they may be, as they ought always to have been, on the grand jury. Indeed, I hope hereafter they will be chiefly selected from that body, as by the status they hold in the several localities in which they live, they are presumed to be, and no doubt are, well qualified for the position; and while discharging their duties as grand jurors will become familiar with the proceedings of courts of justice, and by observation and attention will unconsciously acquire considerable knowledge of the laws.

Since I came to this Province, by the assistance and hearty co-operation of my brother judges, most cordially seconded by His Excellency and his advisers, an entire revolution has been effected in our Courts, and in the administration of justice, but the changes have been so gradual as hardly at each successive stage, to attract observation. The costs, both in the Court of Queen's Bench and the County Court, which no doubt were unreasonably exorbitant, have been reduced and clearly prescribed, so that justice is now within the reach of all. The practice, which was involved in great ambiguity, has been clearly defined, so that at common law, in equity, and in probate, "he that runs may read." The County Court has been made emphatically "the poor man's Court," in which every one may be his own lawyer. The costs are quite as low as in the Division Court in Ontario, or in the collection of small liquidated claims in Quebec. Fixed periods for holding this Court have been adopted; and His Excellency has power to increase and extend the holding of this Court to new settlements, when centres of population shall justify such action.

With the changes made in respect of the trial of issues of fact by a judge, and the summoning of only one set of petit jurors instead of two, and other ameliorating alterations, with the fact that no more criminal litigation will be had, arising from the troubles of 1869-70, I confidently anticipate that the administration of justice will not cost the country per annum over one-third what has hitherto (or at all events prior to the year just closed) been paid for that service; and all this notwithstanding the large increase of a foreign population. If the same retrenching principles shall be extended, and applied to the other services of the Government it will not be difficult to bring the expenditure of the country within its normal income—leaving a considerable overplus to apply in aid of local taxation for local general improvements, such as roads, bridges, and the erection of county buildings.

Amid many discouragements the settlement of the country is steadily going on. By reason of the half-breed, railway and other reservations, the new settlements are scattered, and far removed from each other, and from any central point of trade. This has operated greatly against the rapid settlement of the country. Add to this the depressing effect produced by the appearance of grasshoppers, and it is not at all surprising that the people are not animated with that hope which is the great motive power of human action in battling with, and overcoming those difficulties which necessarily intervene in the settlement of a new country. However, wisdom teaches patience and perseverance. If we sow and plant and the grasshoppers will leave us half a crop we shall still have a better yield, and with much less outlay than many husbandmen in more favored lands—so easy of cultivation, and so prolific in production is our soil.

We are informed by newspapers that at last the half-breed reserves are to be disturbed, and the scrip given to others entitled by law to the same; and that a commission has been appointed for the purpose. All must rejoice that after so long delay, tardy justice will at last be done the Metis and others interested in the reservations and provisions.

Every one knows how essential it is to the advancement and prosperity of any community that the title to land should be unquestionable, in order that commerce in it may be had with confidence. By the Manitoba Act (33 Vic. Cap. 3) all persons holding lands from the Hudson Bay Company as freehold, or lease estates, or by occupancy with the consent of that Company in that part of the Province where the Indian title has been extinguished (generally known as the Settlement Belt) were forthwith to have patents granted to them by the Crown; all persons holding peaceable possessions of tracts of land, in parts where the Indian title had not been extinguished, were to have the right of pre-emption. Over five years have passed since the passing of that Act; and in so far as I know not a solitary patent has been issued under it. This has greatly embarrassed and prevented the introduction into, and investment of capital in this country; as no certain security of lands could be given, and as a consequence, coupled with other causes, the price of money has, like everything else, been at fabulous rates. At last we are told a commission like that in respect of the half-breed lands is to be sent from the "East" to settle disputed questions in respect of persons to whom patents should issue, and to do that which one would think might have been accomplished years ago. Feeble and impotent as we are, we have only to submit and thankfully accept the pleasure of superior power. We rejoice that this great impediment to our prosperity is about to be removed.

The public buildings for the Customs and Inland Revenue, and for the Public Lands are drawing to a completion; while it is to be hoped that the Post Office and the portion of the Penitentiary under contract will be prosecuted with reasonable dispatch.

At last two portions of the Pacific Railway between the Lower Fort and Thunder Bay have been put under contract, the one from Thunder Bay to Lake Shebandowan, about forty miles, and the other from Rat Portage to within about six miles of the Red River, about seventy or eighty miles. The same firm of contractors, Sifton & Co., have both sections. It appears the line of the railway is to run across the Narrows, north of Lake Manitoba. Looking at the map of the North-West, and assuming that the country drained by the trunk of the Saskatchewan River is fit for cultivation, and that its branches are navigable, and that the produce of that vast region, settled and developed, will be drained by this vast stream and its tributaries into Lake Winnipeg, and thence by a railway tapping the southern end of that lake, eastward into Lake Superior, one can understand the line selected for the Pacific Railway. But the conclusion rests upon the assumption of promises which are controverted by every one who professes thoroughly to know from actual experience and personal observation, during all seasons of the year, the whole country lying between Lake Winnipeg and the Rocky Mountains. Let us hope that experience will not demonstrate that the location of this great transcontinental railway, like that of the Great Western, the Grand Trunk, and Intercolonial, has been a mistake.

The Pembina branch will afford no relief to intercommunication with the outer world. The contractor is simply to grade the road bed, and then for aught that appears, it is to remain until the frosts and the rains reduce it to its original state. No bridges are to be made, no culverts constructed. Even the grading commences some miles north of the boundary line and stops seven or eight miles short of Winnipeg.

Five years experience (last year being no exception) has taught the people of Manitoba that the Dawson route is a snare and a delusion.

When all is done that can be done, some years (I do not know but I should say) many years must elapse before by all rail, or by all rail and water combined, quick and easy transit will be possible between Winnipeg and Lake Superior.

We are, therefore, thrown back upon the Red River and the American Railways, or *via*. Duluth, Lake Superior. Every possible encouragement should therefore be given to those who are struggling to establish cheap and expeditious transportation on the Red River.

His Lordship then explained to the grand jury the nature of their duties, and of the criminal calendar which would be laid before them. He congratulated them upon the fact that there were but nine cases none of which were of a very grave

character, and that the lightness of the calendar spoke highly for a community situated as the Province of Manitoba was.

His Lordship Judge Betournay followed, giving the substance of the Chief Justice's charge in full.

OCTOBER, 1875. *Charge of the Chief Justice.*

The laws of England may be divided into two great branches, those which relate to property and civil rights, and those which relate to offences coming within the category of felonies and misdemeanors. Both spring from the supreme power in the State. The law commands what is right and forbids what is wrong. Therefore, a knowledge of what according to law is right and of what is wrong, cannot be exceeded in importance by any other human acquisition or attainment, for in every avocation, pursuit, or situation in a civilized state, the conduct of all must be regulated according to law. Rights may be considered in two aspects, rights appertaining to the person which may be called personal rights, and rights appertaining to external things or objects which may be called rights of things. Immunity from corporal injury and from restraint of liberty is an illustration of the one, as the protection and security in the possession of lands and other property are of the other. Wrongs are to be contemplated from two standpoints, and may be regarded as private wrongs or public wrongs. In the former class may be comprised all such acts as mark the infringement or privation of the private or civil rights belonging to persons, considered as individuals, and in the latter, a breach or violation of public rights or duties which affect the whole community, considered as a community; and these distinguished from the former by the harsher appellation of crimes, felonies and misdemeanors. But this classification is more fanciful than real, for an offence against any single individual is a violation of a public duty, and a crime against the whole commonwealth. It may, therefore, more properly be said that the infringement or violation of a private right may be, and most generally is, a public wrong. However it is not *à propos* on the present occasion, that I should pursue this line of thought further. My purpose is to make a few observations in respect of what are generally termed public wrongs, or felonies and misdemeanors. In its widest sense, crime, used in its technical legal acceptation, involves an examination and discussion of the entire criminal code of our country; or as it is sometimes denominated with us, the whole doctrine of the pleas of the Crown. The Queen, in whom centres the majesty and sovereignty of all the communities composing the Empire, is supposed by the law to be the person injured by every infraction of the public rights of those communities, or of any member thereof, provided it be a felony or misdemeanor or less offence, and is, therefore, in all cases the proper prosecutor for every public offence. Therefore, as has been aptly said: "The knowledge of this branch of jurisprudence, which teaches the nature, extent and degrees of every crime, and adjusts to it the adequate and necessary penalty, is of the utmost importance to every individual in the State. For (as a very great master of the Crown Law has observed on a similar occasion) no rank or elevation in life, no uprightness of heart, no prudence or circumspection of conduct, should tempt a man to conclude, that he may not, at one time or other, be deeply interested in these researches. The infirmities of the best among us, the vices and ungovernable passions of others, the instability of all human affairs, and the numberless unforeseen events, which the compass of a day may bring forth, will teach us, upon a moment's reflection, that to know with precision what the laws of our country have forbidden, and the deplorable consequences to which a wilful disobedience may expose us, is a matter of universal concern. The criminal jurisprudence of England has, with the advancement of the civilization of the nation, and with the progress of Christianity and the consequent development of the sentiment of humanity among its people, been divested of most, if not of all, of that undue severity and unreasonable harshness with which, at the common law, in the earlier days of our judicial history,

it was to some extent disfigured. It has by successive legislation at last settled down on principles that are permanent, uniform and universal; and in all its parts it is conformable to the dictates of truth and justice, and to the feelings of humanity, and the indelible rights of mankind. Crimes are accurately defined; penalties are limited within fixed boundaries; accusations and preliminary examinations, as a rule, are public; in all the different steps the accused may have the advantage of counsel; the evidence against him must be given in his presence, and he may sift the testimony by the most searching cross-examination; he may at any stage of the proceedings, produce and have examined in his defence any and all witnesses; at least twelve of his neighbors and fellow-subjects must, before he can be put upon his final trial say upon their oath that the sworn testimony of the witnesses produced before them on behalf of the Crown, satisfied them, not that there is a suspicion of guilt, or ground for further investigation, but that he is guilty; and lastly, his final trial is in the face of the world; and the final judges of his guilt or innocence are twelve of his peers against each of whom he can advance nothing; and the punishment, except in cases of capital felonies, is, within definite limitations, left in the discretion of the judge to be exercised in view of the character of the offender and the facts and circumstances surrounding the commission of the offence as disclosed in opening court under the sanction of oath, and to be pronounced before the face of all men. As you, gentlemen, will have observed in the remarks I have made, the grand jury forms an important function in the machinery of the administration of the criminal law. The origin of the grand jury system is found in the early history of English criminal jurisprudence; and through all the changes of dynasty and revolution it has not only maintained itself in its full strength at home, but its roots striking down deep into the soil of the "Little Island", and extending underneath oceans, it has sprung up on islands in distant seas and on faraway continents with a vigor equal to that of the parent plant. The grand jury has always consisted of a body of men selected from gentlemen of the first figure in the country, to perform, as I have already intimated, a most important function in the administration of criminal justice. Its paramount duty is to protect the innocent from accusation and to bring the guilty to trial. Strictly speaking it has no political nor any other civil power; and, as a rule, it should confine its deliberations to infractions of the law, and to the identity of the persons who have committed those infractions. At the same, I cannot say it is altogether beyond the sphere of duties which a grand jury may assume, especially in the formative state in which society finds itself in its new, far away, isolated and exceptional position in this youthful Province, to call attention to any facts or circumstances which tend to the commission or the prevention of crime, or admittedly retard the advancement of the country materially, socially, or morally, and suggest such remedies as in its judgment would remove the grievances pointed out. It is also within the line of duty of a grand jury to visit and inspect the common gaol of the Province and any institution maintained at the public expense, in which persons are confined, and make such observations and report upon their condition and management, as to the grand jury may see advisable. But as I have said, the principal business of the grand jury is to deal with indictable offences. In doing this the Crown counsel will place before it indictments charging specific offences against certain persons, with legal certainty. On the back of each indictment will be found the names of the witnesses by whom it is sought to bring home the charge made in the indictment. These witnesses will be sworn by the foreman and their statements on oath will be heard. It is not usual to hear any witnesses except those whose names are placed on the back of the indictment. After all the evidence is heard, it will then be for the jury to say, (1) whether or not the offence stated in the indictment has been committed; (2) and if committed whether or not it was committed by the person charged with it in the indictment. Each of these questions may be debated, and should be decided separately; and the jury, with the assent of twelve of its members may make any amendment, either in the description of the offence, according to the view it may take of the testimony and the law, or in the description of the offender if any one else should be shown to have committed the offence. If both the questions

I have stated be found in the affirmative by twelve or more jurors, a true bill is said to be found, and the foreman will write on the back of the indictment the words "True bill," and sign his name underneath, adding "Foreman," and so return it into Court; but if twelve, at least, of the jury do not concur in answering both of the questions in the affirmative, but answer either in the negative, then "No bill" is found; and the foreman should endorse on the back of the indictment the words "No Bill," and under these write his name adding the word "Foreman," and, as already directed, return the same into Court. As a general rule, only the evidence for the prosecution is laid before, or is to be considered by the jury. But the jury must recollect, that while the strongest obligation rests upon it to assist in bringing to trial the guilty, it is also a shield and a protection to the innocent. The Crown is, therefore, bound to deal fairly by the jury, and if it asks to have a true bill found, to place before the jury such testimony as would, standing alone and uncontradicted and unexplained, justify the jury, if it were trying the case, in pronouncing the accused guilty. Where the entire proceedings is *ex parte*, and the whole evidence for the Crown is heard, with no opportunity of explanation or defence, nothing short of this can justify a return of a true bill. If the jury require it, they may in any case ask instructions from, or take the opinion of the Court; but in all such cases it were better that all the juries should be present; and whatever takes place in this respect, should transpire in open Court. The Crown Counsel may also lend any needed and proper assistance to the jury. But all his communications to and intercourse with the jury in respect of the law or the facts before the jury should be made and had in the presence and before the face of the whole jury. The jury are sworn not to divulge what transpires in the jury room. I need not remind the members of the jury that in this respect their oath and public policy unite in enjoining upon them silence, and upon their proceedings the seal of secrecy. I am happy to inform you that the criminal calendar for the present Assizes contains no offences committed within Manitoba. Were this Province alone concerned, I should at once dismiss you and the petit jury to your homes, inasmuch as there would be nothing for either of you to do; for all the issues of fact in the cases in the civil calendar, although numerous, will be tried by a judge without the intervention of a jury, and after both juries have been discharged. Four cases appear on the calendar for offences committed in the North-West Territory, and beyond the bounds of the Province, but over which by Statute this Court has jurisdiction. I am sorry to have to say all these cases are for murder. James Hughes, Philander Wogel and George M. Bell, stand charged with the murder of several Indian men, women and children, at Cypress Hills in the North-West Territory, in the month of May, 1873. We all recollect the shudder of horror with which, after the bloody tragedy, we received the intelligence of the wanton and atrocious slaughter, by a lawless band of whites, chiefly from Fort Benton, of the Assiniboine Indians, peacefully encamped at Cypress Hills, having given no cause of offence, and all unsuspecting any attack, and whose first intimation of danger was the sharp rattle of the deadly repeating rifle from a treacherous and concealed foe. It was stated that some forty or more were shot down in cold blood. Indictments for complicity in this murder will be laid before you against the three persons whom I have named, and who have been brought upwards of a thousand miles across the plains and lodged in the Winnipeg jail. The other case is that of Angus McIvor. He is charged with two capital offences, one for the murder of one Atkinson by shooting him in the head with a pistol, and the other with shooting with intent to murder one Charette, both offences having been committed during the month of September last, not far from Fort Ellice, in the North-West Territory. These cases have the greater importance as the crimes involved were committed far away from the abodes of civilization, and where it might be supposed the arm of British justice would not reach. It is at considerable disadvantage in many points of view that the persons charged are at last brought before a court of justice. Public law and order, and the interests of justice alike demand that we should deal fairly but cautiously in all these cases. We must let it be known from the Rocky Mountains to the boundaries of Quebec and Ontario that all are

under the protection of, and answerable to, British law, and that however far removed from settlement, and however remote from the habitation of the white man, the commission of crime may take place, the Argus eyes of justice will find it out, and the law will apprehend, bring to trial, and punish the offender.

The Chief Justice then went into a definition of the offence of murder, and made some lengthy observations upon the treatment of Indians, their present position, and their probable ultimate fate. He also referred to the great advantage it would be to every justice of the peace to be in possession of the Criminal Statutes of the Dominion which have been lately published in one volume, and which might without doubt (if such had not already been done) be obtained, without any, or with but a small cost, to supply every justice of the peace of the Province. If these had not been procured, the Chief Justice suggested it would not be out of the way for the jury to confer with the Provincial Secretary on the subject.

JUNE 10th, 1876.

His Lordship Chief Justice Wood then charged the grand jury as follows:—

It is sometimes customary for judges, in charging grand juries to go more or less into the origin of the basis upon which the grand jury system is founded, but on the present occasion His Lordship did not intend doing that. As a regular system it has its origin in England, and there the different counties have their grand juries, but here, on account of the sparsity of population and the small size of the territory, we have only one assize, and consequently only one grand jury. It has always consisted of men of the most considerable substance and intelligence in the county in which the grand jury is empanelled, and here the effort has been to bring forward the intelligence and the morality and the public spirit of the whole Province. In most countries, but not here until recently, the magistrates constitute as a general rule the larger portion of the grand jury, and properly so, because the magistrates are important in preliminary stages of criminal investigations and a thousand other things, and by attending at Court and learning something of the administration of justice a great advantage is conferred on the magistrate acting in his own neighborhood. It has frequently been questioned whether the grand jury might not be dispensed with, or whether it might not be an inroad upon the administration of justice, upon a system which has been in existence for almost a thousand years, but the experience of nearly a thousand years has justified its retention. In all systems springing from the common law of England, and in all courts having their origin in that system as a rule, the grand jury has been maintained and is maintained at the present day. Therefore, Mr. Foreman and gentlemen, according to our system, no man can be convicted of crime without the judgment of at least twenty-four peers. At least twelve grand jurors must consider that there is *prima facie* evidence of guilt, and then twelve petty jurors concurring in his guilt. Your duty, as grand jurors, is to investigate, on a proper indictment to be placed before you, charging a crime or misdemeanor. To investigate first, has a crime been committed; secondly, who has committed it? The evidence which the grand jury must take, must be that given in their own room. If any grand juror knows any facts in connection with the case he may be sworn, but as a rule grand jurors should confine the evidence in respect of the crime to the evidence of witnesses whose names are endorsed on the back of the indictment, and who are the witnesses for the Crown. Grand jurors may, in conference with the Crown prosecutor, suggest that witnesses be produced before them who are not produced, but the Crown has a right to produce such witnesses, as in the judgment of the prosecuting party, are sufficient to make out a case. In ascertaining the sense of the grand jury, if there is a doubt that twelve or more do not agree, a vote may be taken, and the foreman is bound to endorse upon the indictment what they agree upon. On the calendar are three cases of murder, but indictments have been found two assizes ago. He was happy to say that no grave crime would be brought before them. There was only one case, larceny, to appear before them. There might probably be an indictment from

attempted escape from the penitentiary. It was scarcely necessary to take trouble to define larceny, but he would tell them that it was defined at common law as "the taking by one person of the property of another without his consent, with the intention of appropriating it permanently to his own use." Matters may come before the grand jury and they might ask the Crown barrister to prepare an indictment against certain parties; cognate with the last remark he would say that it was the duty of the grand jury to examine the gaol and gaol premises and any public institution, to the support of which the funds of the Province were appropriated. So soon as the grand jury should have finished their duty the Court would discharge them from further attendance at this Court. At the last session of the Provincial Parliament a Jury Act had been passed, and he saw by calling over the names of the present grand jury that there were very few persons on the jury speaking French. He fancied it was an accident in the working of the Jury Act, and had no doubt that it would be remedied at the first opportunity.

MARCH, 1877. *Court of Queen's Bench.*

First day, Tuesday, March 6th, 1877. Court opened at twelve o'clock. His Lordship Chief Justice Wood presiding.

The grand jury was called and sworn, after which His Lordship delivered the following

*Charge :*

Mr. Foreman and Gentlemen of the grand jury,—The adjusting and enforcing of the civil rights, arising between parties in the complicated relations and transactions in a civil state of society, are remitted to courts of justice. The question of fact is the great difficulty to be overcome in every matter of dispute, in respect of civil rights. "The principles and axioms of the law, which are general propositions, flowing from abstracted reason, and not accommodated to times or to men," are easily applied to facts, when definitely ascertained. The embarrassment that arises in every litigated case, is not so much the law as the facts involved in it. The law follows, as a logical conclusion, from the premises of fact. If the judge errs as to the law, he may be put right. But it is not so easy to detect, apprehend or remedy an error in fact. Blackstone says:—"In settling and adjusting a question of fact, partiality and injustice have an ample field to range in, either by boldly asserting that to be proved which is not so, or by more artfully suppressing some circumstances, stretching and warping others, and distinguishing away the remainder."

As a rule, questions of fact in litigation are more satisfactorily determined by a competent number of upright and sensible jurymen, chosen indifferently from amongst those in the same walks of life as the litigants; and, as I have said, the decision of the questions of fact in most cases being decisive of the matter in issue, the equals and neighbors of the disputants practically determine the rights of the parties in controversy. Besides other advantages, the trial by jury relieves the judge from a weighty responsibility, and throws upon the people themselves, who for this reason, and because they, in this way, participate so largely in the settlement and adjustment of their own rights, are much less disposed to find fault at an adverse decision, than though it were imposed on them by a superior power beyond their control, and of which they form no part. It has been not inappropriately said that the trial by jury is the glory of England, and has done more to establish the throne on a sure and lasting foundation, than her fleets and her armies. The jury system is the surest bulwark of the personal rights and liberties of the subject, for when pushed to its full extent, it may exercise a final disposing power over all questions of private right, and private or public wrong. It should never be surrendered by a free people, who desire to perpetuate their liberties, and to transmit to their children those rights and that freedom which they have inherited from their forefathers. In our judicial system, we have the intervention of a grand jury, as well as that of a petit jury. The origin of the grand jury system extends back to an early period in the judicial history of our country. There are many notable instances in the past

in which the grand jury have stood between false accusations and innocence, arbitrary power and helplessness, thirsting for the blood of its victim. If it be important, tenaciously, to adhere to the jury system in matters of civil right, it is certainly of much greater moment in criminal proceedings. By it no person can ever be exposed to trial on any charge of felony or misdemeanor, except on the finding of a *prima facie* case of guilt by twelve of his peers, sworn as grand jurors; and, even after such presentment, cannot be convicted, except, after an open trial in court, by the unanimous verdict of twelve other jurymen, so that no person can be convicted of any felony or misdemeanor, except upon the judgment of twenty-four, at the least, of his peers. There is another great advantage in the jury system. At given intervals, it brings together a large number of gentlemen from all parts of the Province, who are, as I have said, by the constitution, made active participators in the administration of justice. They thereby become familiar with the forms of procedure, and necessarily hear and learn much affecting civil rights, and the obligations and duties pertaining to them and their neighbors, in their social relations, and as members of the commonwealth, and they return to their homes better prepared, and it is to be hoped, better disposed to discharge all the duties which devolve upon them as loyal subjects of the Queen. And there is yet another advantage. The conduct of the judge, and of the officers of justice, is open and exposed to their observations and criticism, which may have, and probably does have, a salutary effect in inducing caution and circumspection in the proceedings transpiring in Court. The functions of a grand jury are large and extensive. It is competent for them to investigate and inquire into any and all matters tending to the production or suppression of crime.

It is a part of their duty to make a thorough examination into the condition and state of the gaol and court house of the Province, and into the manner in which they are kept. In respect of the gaol, this is very important.

It is a rule that the grand jury may also examine and investigate all other public institutions of the Province on which public money is expended. If there be any such besides the court house and gaol they fall within the line of their inspection.

On all these subjects and on any other of a cognate nature to which they may think public attention should be drawn, it is their privilege and duty to make a presentment.

I now come to speak of your more immediate and direct duties—the consideration of bills of indictment which may be placed before you by counsel for the Crown. I am informed by the Sheriff that there are only four cases to be brought before you unless some new cases should arise: one assault, another false pretences, a third embezzlement, and the remaining one malicious shooting. The first two are not charges of an aggravated character, and may on investigation turn out not to be well founded. The first three cases arise within the Province. It certainly speaks well for our population that at the half-yearly assizes, only three cases arising within the Province are set down to be investigated, two of which are misdemeanors, and in all of which the accused are out on bail. The case for malicious shooting arose, as I understand, at Fort Frances, within the Territory of Keewatin, but has been sent here for trial.

I know nothing of the facts of these cases.

The first charge I have mentioned is assault. Every person is entitled as to his whole body, to security from all corporal insults or injuries, whether by menaces, assaults, beating, wounding or otherwise, though they may not amount to destruction of life or member. This is said to be a personal right, absolute and pertaining to every individual, sanctioned by the law of nature and by the municipal law of the land. An assault is an attempt or offer, accompanied with a degree of violence, to commit some bodily harm by any means calculated to produce the end if carried into execution. It may be an attempt or offer to beat a man without proceeding to touch him, as levelling a gun at another within a distance from which, supposing it to have been loaded, the contents might wound the person at whom the gun is pointed; the raising of the hand in a threatening manner, or a cane at another



within reach; or striking at but missing him. The touch of another's person, however slight, if done wilfully or in anger, and without justification, is an assault, and it is said the least touch of another's person wilfully or in anger is also a battery, which is the beating of another. Therefore there may be an assault without battery, but every battery includes or implies an assault. Abusive or threatening words cannot alone constitute an assault, they may indeed sometimes so explain the aggressor's intent as to prevent an act *prima facie*, an assault from amounting to that injury. An assault is said to be common or aggravated. A common assault is the ordinary commission of the offence with no unlawful, ulterior or atrocious design. An aggravated assault is such as is attended with serious bodily harm and such as indicate in the offender an intention to do a serious injury. In determining the character of an assault much depends upon the surrounding circumstances, and the intention with which the offence was committed. In a variety of cases this offence has been dealt with by particular enactments. The remedy for assault may be by a civil action of trespass. In this proceeding it is viewed as a private wrong or injury. But the offender may be proceeded against criminally before a justice of the peace or by indictment at the Assizes, for it is a public wrong as well as a private injury. It is a breach of the public peace, and is an offence against the community at large. In some cases the proceedings may be both by civil action for damages and by indictment for a breach of the peace. It is said that double proceedings may take place in assault, battery, wounding and maiming. It must be observed, however, as to all these acts, that to render them either actionable or indictable, they must be committed on an unlawful occasion. Thus, assault and battery are justifiable, where one who has authority, as parent or master gives moderate correction to his child, his scholar or apprentice. So also on the principle of self-defence; for if one person strikes another, or even assaults him, he may strike back in his own defence, and if prosecuted for it may set up as a bar to the proceedings, that it was the plaintiff's own original assault that occasioned it; and suppose a dangerous scuffle to take place, he may even for his own preservation (but not otherwise), wound or maim his adversary, and justify it under a similar plea. So likewise in defence of his goods or possessions, if one person endeavors to deprive the owner of them, he may justify laying hands upon him to prevent him, and in case the wrong-doer persists with violence, he may proceed to beat him away. There are a great variety of lawful occasions on which force and even violence may be used upon another person which the law justifies, but all coming within the principle I have indicated in the illustrations given.

It is proper in this connection to observe that, as a rule common assaults may be, and should be finally disposed of by justices of the peace in the exercise of their summary jurisdiction, and not by way of indictment. There is nothing apparent in the present case to except it from the general rule. It appears to have originated at Baie St. Paul, a long distance from Winnipeg, and as the offender is a woman, there would seem to be nothing in the case to justify the rather extraordinary proceeding by indictment at the assizes for a mere common assault, and the incurring of the large expense to the public which it necessarily involves, in disposing of a matter, which the law has wisely placed within the jurisdiction of justices of the peace, in the locality where the parties reside and are known, and the offence is alleged as having been committed.

However, it is now before us here and we must dispose of it.

An indictment charging this assault will be laid before you, in support of which, will also be produced before you the witness on the part of the prosecution. It will be your duty carefully to consider all these witnesses have to say, and then to determine, whether or not, under the definition I have given of the offence, and the observations I have made respecting it, the accused is really guilty of the offence charged. If so, you will find a "true bill," if not, you will find "no bill."

False pretences is closely allied to larceny, but distinguished from it as being perpetrated through the medium of a mere fraud. It was a misdemeanor at common law, punishable by fine and imprisonment. And now by Statute, whosoever shall by

false pretence obtain from another any chattel, money or security, with intent to cheat or defraud any person of the same, shall be guilty of a misdemeanor; and shall be liable to be imprisoned in the penitentiary for a period not exceeding three nor less than two years, or in any gaol or place of confinement for any term less than two years, with or without hard labor. There are in the Statute false pretences relating to several different matters, which I need not particularize, but all of which are based upon the principle of fraud effected by a false pretence—that is, by asserting something to be done which was false in fact. To make this offence complete, there must be a false pretence of an existing fact either in the present or in the past. A promissory pretence to do an act is not sufficient.

I have no idea upon what facts the present charge rests. It will be your duty carefully to examine into the case; and if you find that the accused told a falsehood respecting a then existing or past fact, through and by means of which he obtained from any person any chattel, money or valuable security belonging to any person, with intent to defraud—then a *prima facie* case is made out, and you will find a “true bill;” otherwise, you will find “no bill.”

Embezzlement may be said to be an aggravated form of larceny. It may be defined to be the act of feloniously appropriating to himself that which is received by one person in trust for another. Embezzlement in its usual acceptation imports the reception of a chattel, money or valuable security belonging to the master or employer of him who received it in the course of his duty, and the fraudulent appropriation of that chattel, money or valuable security before it gets into the possession of the master. As a substantive felony, this offence was not known to the common law. It usually involves larceny and a breach of trust. Our Statute defines several forms, or several subject matters in respect of which this offence may be committed, and declares it to be felony. It says:—“Whosoever, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, steals any chattel, money or valuable security, belonging to or in the possession or power of his master or employer, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding fourteen years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and either with or without solitary confinement.”

I know nothing of the facts. The offence is a grave one. It implies confidence reposed and betrayed. It does more. It implies a larceny under circumstances in which the master or employer cannot guard against the theft. A man may by bolts, bars, locks and watchmen, protect himself against the midnight thief, but these will not avail him against a larceny by his own confidential clerk or servant.

The magnitude of the offence will, I am sure, induce you to examine and thoroughly sift all the evidence that shall be given before you on behalf of the Crown, and if you are from that evidence satisfied the offence has been committed by the person charged you will say so, but if this evidence does not satisfy you of the truth of the accusation you should say so and return the bill accordingly.

There is but one other offence—malicious shooting. What the nature of this charge may be I know not. All the information I have is, that the accused is charged with malicious shooting at Fort Frances in the district of Keewatin.

This may be a capital felony or a common assault, depending altogether upon the consequences of the shooting and the intention with which it was done.

The Statute says: “Whosoever administers or causes to be administered to, or to be taken by any person, any poison or other destructive thing, or by any means whatsoever wounds or causes any grievous bodily harm to any person with intent in any of the cases aforesaid to commit murder, is guilty of felony, and shall suffer death as a felon.” The Statute further provides that any person who attempts to shoot any person with intent to commit murder, whether any bodily injury be effected or not, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for life, or for any time not less than two years, or to be imprisoned in any gaol or other place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. In either of the foregoing cases if the

evidence shows that an assault was committed, although the indictment simply charges the substantive felony, the jury may acquit of the felony, and find a verdict of guilty of assault. But I would in no case of this kind recommend the grand jury to find a bill but for such offence only as the sworn testimony which shall be given before them will justify. If the evidence only proves an assault, find a bill for an assault; if it establishes a graver offence act up to the proof; and in every case wherein the indictment placed before you is not in its charging clause in your judgment such as it should be, require and insist upon its amendment until it shall meet your honest convictions.

I have now briefly referred to all the cases on the calendar before me. Other cases may be brought before you which do not appear on this calendar, or which may arise while you are engaged in the discharge of your duties. If there should be any such you will give them your best consideration.

I will now make a few remarks applicable to your duties in general.

You are an independent judicial body, forming a most important part of the system of the administration of criminal justice. Your deliberations and judgments should be free from prejudice and external influence. Your investigations should be secret, as should also the expression of all opinions by any member of your body in the discussion or decision of any matter before you. Each has equal rights with the other, and in all things should speak and act his honest convictions. A concurrence of twelve is sufficient to find any bill, but there must at the least be twelve to warrant the finding of any bill.

In the inquiry into the charges which may be placed before you by the counsel for the Crown, you will be guided solely by the evidence of witnesses sworn by your foreman in your presence, and given *viva voce* before you. All experience teaches us how unsafe it is to rely upon any reports or rumors in regard to any matter, and especially is this the case in respect of criminal offences. It is bad enough when men's characters and motives are assailed in this way, but when such means are resorted to or permitted to exercise the slightest influence upon those charged with the administration of justice, it is simply intolerable. No man under such a state of things would be safe in his property, his reputation or his person. The basis of the framework of the social fabric would be sapped at its foundation. Therefore, let your judgment and finding in every case be founded exclusively upon the sworn evidence which shall be given before you in your grand jury room.

It has been said that the counsel for the Crown may be present and marshal the evidence before the grand jury. There may be cases involving complicated questions of fact in which this might be desirable, but, as a rule, it had better be dispensed with.

In all questions of law it is quite competent for the counsel for the Crown to instruct the grand jury; but they are not bound to take the law so given to them unless they think it correct. Wherever they have any doubt in respect of the law, or any other matter, they have the right to ask information from the Court, which, if proper, will always be given, and, when given, should be accepted and acted upon.

It is properly said that the essence of all crime is intention. The law of England assumes the freedom of the human will. Indeed, one does not well see how there could be any ground of moral obligation without assuming the free agency of man. Without this there would not be, in a moral sense, a right and a wrong in human action—a proposition, the affirmative of which is assented to by the universal race of man. However, this may give rise to speculations among casuists. The criminal law of England is reared upon the basis of the freedom of man as a moral agent. In considering all the cases that shall be brought before you, you will, therefore, if possible, find out the intention with which any action has been done, as giving a decisive cast to the whole transaction.

In the progress of your labors, if anything comes under your cognizance which you think should be presented to the Court, you can make a special presentment of the matter, and upon that presentment such ulterior proceedings may be taken or ordered, as the circumstances shall require.

At the conclusion of your labors, you will make a final presentment; and, unless something should occur further to detain you, you will be then discharged.  
I now leave you to your duties.

OCTOBER, 1877. *Charge.*

Mr. Foreman and Gentlemen of the grand jury,—Again you are summoned from all parts of the Province to the Assizes, to discharge your duties as grand jurors, in the administration of criminal justice.

On occasions like this, in a Province upon which political autonomy has been but recently conferred, and many of whose people are not familiar with the principles and forms of procedure of British Courts of Justice, I think it important, having through you the ear of the Province at large, to be more elementary than I otherwise would deem it expedient, in my introductory remarks to your more immediate duties.

The system of English jurisprudence, like the constitution of our political Government, springs from the people. It is not too much to say that, in this respect, both our jurisprudence and our civil Government are widely different from those of many, if not of all, of the nations of antiquity and of modern Europe.

If carefully examined, it will be found that the British policy, in connection with its juridical system—its *magna charta*, its *habeas corpus*, its *bill of rights*, its great body of written and unwritten laws—taken all in all, is the best system ever devised for the government of a great and free people—is the hope of the human race—is the *Genesis* and the *Revelation*—the *great Bible of human liberty*.

We can trace the origin of our civil government and of our judicial system back in old England for a thousand years, and thence further back, till the authority of historic narrative “is lost in the night of treacherous story.”

After all the civil struggles through which the Anglo-Saxon race passed, when the clouds were cleared away, the grand old edifice of the English constitution stood forth in the “calm serene” in all its pristine strength and completeness; and as the great Lord Camden says: “Revelation restored the constitution to its first principles; it did no more. It did not enlarge the liberty of the subject, but gave it a better security. It neither widened nor contracted the foundation, but repaired, and, perhaps, added a buttress or two to the fabric.” The work of adding here a buttress and there a tower or pillow, and raising higher and higher its lofty dome, harmonizing it with the advancing thought and new developments of the age, is ever going on. But the present *status* of the British system of government has not been attained without long and protracted struggles, and great sacrifices of life and treasure. The contest raged throughout the long line of the Plantagenet Kings, the Tudor Sovereigns, and the House of Stuart. The irrepensible conflict was waged between prerogative rule on the one side, and on the other, parliamentary government. During this long struggle, constitutional liberty trembled in the balance. At length, in 1688, the great and decisive battle was fought and won, and parliamentary government was placed upon that high table land, and secured by such fortifications, fortresses and bulwarks, as to be impregnable to any assault. Two hundred years have since passed away; and while, during all that time, we have been constantly reforming abuses in the present, we have never ignored or lost sight of the precedents of the past; and, while our Government has been growing more and more democratic, hereditary monarchy has been growing stronger and stronger, and its roots have been striking deeper and deeper, and their fibres becoming more and more inextricably interwoven into the very heart of the nation, and the foundations of the throne have been becoming more and more fixed and immovable, and the throne itself farther and farther removed from any possible popular aggression.

“ Our monarchy is ancient!  
Our glory, it is grand!  
And men of worth and station  
Hold office in the land.”

The contemplation of Great Britain, a little island in the midst of the ocean, swaying her sceptres over her vast Indian and North American continental possessions, over Australia and other Colonial dependencies, scattered over every land and in every sea and ocean in this wide world, exceeding in number sixty separate and distinct political organizations—all attracted to and revolving around her, as the great centripetal force which keeps each in its orbit and all with a precision and harmony, like that of the movements of the planets around the sun in the solar system, we may be pardoned for exclaiming:—

“ A land of settled Government !  
From precedent to precedent.  
A land of just and old renown !  
Where freedom broadens slowly down ! ”

Manitoba, and you, Mr. Foreman, and gentlemen of the grand jury, make a part of the British Empire; and to feel and to know that to all, the high and the low, the rich and the poor, the prince and the peasant, there is the same rule of law, enforced by the same tribunal, in which the assent and judgment of a jury, in every litigated controversy, when pushed to the extreme, is indispensable to a final adjudication, one would think every one might be induced to exclaim: “ I am a British subject,” with more exultation than ever a citizen of Imperial Rome, in her proudest day, shouted: “ I am a Roman citizen.”

We are apt to undervalue the rational liberties we enjoy, from the fact that we have never been made the victims of arbitrary rule or despotic power. It is only by consulting history and comparing our institutions and our system of the administration of justice, in all its departments, with those of other nations, both ancient and modern, that we can begin to realize the immeasurable advantages we, in these respects, enjoy over every other people that have ever lived, or that are now living, on the face of the globe.

It is a fundamental principle of our judicature, that no freeman shall be taken or imprisoned, or be deprived of his property, or liberties, or free customs, or be outlawed or exiled, or any otherwise prejudiced, injured or destroyed, or be passed upon or condemned, except by the lawful judgment of his peers, or by the law of the land. The lawful judgment of one's peers is that never to be forgotten and never to be over-estimated birthright of every Englishman—to a trial by a jury of his countrymen and neighbors upon any litigation, whether relating to private rights or to public wrongs—at once the peculiarity and the glory of English jurisprudence, its soul, its spirit—the represser of tyranny, the safeguard of the poor, the buckler of innocence, the avenger of the guilty, the vindicator of our rights and our liberties, our opinions and our political principles.

The system of the grand jury—only a part of the jury system of our jurisprudence—takes its rise early in the legal history of our country. Its normal number should not exceed twenty-three, and a majority of that number at least is necessary to the finding any bill of indictment or information, So that every accused person must be declared guilty by at least the unanimous verdict of twenty-four of his peers—twelve grand jurors and twelve petit jurors—before he can be legally adjudged convicted of any offence. From this consideration alone you will have some conception of the safeguards which the law has thrown around innocence.

The grand jury in all British communities, is selected from the most considerable persons, as to position and intelligence, in society; and the law and practice, in this respect in Manitoba, forms exception to the general rule.

You, gentlemen, by the constitution of our country, are entrusted with most important functions. While a cognate part of the High Court of Oyer and Terminer, you have distinct duties assigned you which you should discharge independently and fearlessly, and without favor, prejudice or affection. It is your duty to make inquiry into, present and execute all those things which, on the part of Our Lady the Queen, shall be brought before you, or which the circumstances of the country may suggest to you as being of great public importance, and which you may see fit to take  
*up, tuo mero motu.*

Your chief practical work will be the examination of charges against persons, laid before you in the shape of bills of indictment by the gentlemen to whom has been committed the business of the Crown. In these investigations, you will, as a rule, confine yourselves to the examination of those witnesses and their evidence, whose names are endorsed on the bill of indictment. A grand jury hears only the witnesses for the Crown; but if, in the progress of the inquiry, they should desire that some person whose name is not so indorsed on the indictment should be produced before them for examination, they have the right to have him summoned, and should make known their wish to the counsel for the Crown, who, if practicable, will send him before the grand jury. You must not forget, as a rule, you hear only one side of the case. The accused is not present by himself or his counsel to confront or cross-examine witnesses, much less to offer any evidence by way of contradiction or explanation. The Crown is, therefore, bound to make out a clear *prima facie* case before you can be justified in finding a true bill. Some judges have used rather loose language in this respect to grand jurors—speaking to them as an accusatory body, and telling them that the finding of a true bill is only in the nature of an inquiry or accusation, which is afterwards to be tried or determined; and that grand jurors are only to inquire whether there be sufficient cause to call upon the party accused to answer the accusation. I am bound to tell you that this is a most dangerous doctrine, and that it is not supported or sanctioned by the great oracles of the law. The Justice's Court, in the preliminary examination, may be characterized as an accusing tribunal; and if a probable cause be made out, it is the duty of that tribunal to send the case up for further investigation. But the functions of a grand jury go beyond this. They must be prepared to say upon their oath, that from the sworn testimony before them a complete *prima facie* case of guilt has been established before them, before they can, according to law and the oath they have taken, find a true bill, and take the responsibility of sending the case up to be tried in open Court before a petit jury. In a majority of cases this direction may be practically unimportant; yet at every Court cases may arise in which an error in this respect may be a lasting injury to individual character; for you all will readily understand, how easily an innocent person may, on the contrary doctrine that a grand jury is only an accusatory body, be placed in the felon's dock, and, although acquitted on his trial, have a lasting stigma affixed to his reputation, without any possible redress. I solemnly charge you that this is not the whole duty of a grand jury in any given case. In addition to accusing, the evidence for the Crown must satisfy them that a *prima facie* case of guilt has been made out. A grand jury is an intervening body between society on the one hand, and persons accused of crime on the other. Its duty is to bring to justice the guilty, but to be a defence and shield to the innocent. In both of these respects, it is a safeguard and protection to the whole community and to every member of it.

In illustration of this point, I will refer to an incident narrated by Lord Campbell in his life of Chief Justice Pemberton. He says:—

“I now come to the most exceptional passage in the life of Chief Justice Pemberton. While the King (James II) was nearly indifferent about Plunket, he was more eager than he had ever been during his reign to bring Shaftesbury to the scaffold; and this he knew would be accomplished as soon as he could get a bill of indictment found against him by a grand jury; for the doomed patriot would then have perished by a partial selection of peers in the Court of the Lord High Steward. To induce the grand jury to find this bill, Pemberton, although, as a lawyer, he was well aware that they ought to have a *prima facie* case of guilt made out, thus addressed them:—

“Look ye gentlemen, I must tell you that that which is referred to you to consider is, whether there be any reason or ground for the King to call to account those who are accused, if there be probable ground, it is as much as you can inquire into. Where there is no kind of suspicion of a crime, nor reason to believe that the thing can be proved, it is not for the King's honor to call men to account, but a probable cause is enough. As it is a crime to condemn innocent persons, so it is a crime as

great to acquit the guilty. That God who requires the one, requires both; and let me tell you, if any of you shall be refractory, and will not find a bill where there is a probable ground for an accusation, you do thereby interrupt justice and make yourselves criminals.”

According to Lord Campbell, of the many infamous judges who held office during the reign of the Stuart's Chief Justice Pemberton might, on the whole, have been excused for many departures from that high standard which has uniformly characterized the judges of the courts of Westminster Hall since the revolution of 1688, and since they have been made independent of the Crown, and might have been made an exception from that general condemnation, which history has passed upon them, but for this most reprehensible charge to a grand jury. Singular as it may seem, at this, the more than noon of the nineteenth century, some have not only suggested, but have boldly asserted, that the proper charge to a grand jury in this respect, is that of Chief Justice Pemberton in the corrupt times of James the Second, two hundred years ago, so signally reprobated by that eminent judge, Lord Chief Justice Campbell.

I have another direction to give you. In every case rely on your own judgment. No person—not even myself sitting here in Court—has any right to dictate you what shall be your finding in any particular case. The counsel for the Crown may, on being asked by you, answer any questions relating exclusively to the law; but you are not bound to take even the law as laid down by him, if you have reasonable doubts as to its accuracy. In such a case, and indeed in all cases, you may, at any time, take the opinion of the Court.

Your deliberations, according to the oath you have taken, are to be secret. One, among the many other reasons for this, is, to ensure to your body perfect freedom of action. You may, if you see fit, permit the counsel for the Crown to be present when witnesses are examined, and to put questions and marshal the evidence. But it is inadvisable to permit this except where the witnesses are adverse or unwilling, and in cases involved in obscurity, and requiring a clearer elucidation than can readily be attained without such assistance. You may go so far, indeed, as to permit an explanation of the purport and meaning of the indictment, and of the charge and of the manner in which the Crown proposes to sustain it. But it should be limited to an explanation, and the counsel for the Crown should be kept within the limits I have suggested. He should not be allowed to be present at any deliberation after the evidence has been closed. I repeat, in respect of the conclusions at which you shall arrive, you must rely solely on your own judgment, independent of the opinion of the counsel for the Crown altogether. If, under the directions I have given you, you think the evidence proves the charge, you will endorse on the bill the words “True Bill” and your foreman will write his name underneath them; if you think the evidence does not sustain the charge, you will endorse on the bill the words “No Bill,” with the signature of your foreman subscribed underneath them. By finding “No Bill” you by no means declare the person accused to be innocent, you simply say the evidence does not satisfy you of his guilt. If better evidence can, at any future time, be produced, a new bill may be preferred before the same, or another grand jury. Indeed, another bill may be laid before another grand jury on the same evidence.

I am happy to inform you that the calendar handed to me by the Sheriff is very light—consisting of only four cases in all—three arising within the Province of Manitoba, and one within the adjoining District of Keewatin. Of the former, two are simple larceny and the remaining one for threatening to burn buildings. That arising in Keewatin is more serious. It is infanticide. I am not aware of the facts surrounding any of these charges; and if I were, it would be inexpedient for me to state them to you, or to comment on them. It is much better you should hear them fresh from the witnesses, who will appear before you, under oath.

The only information I have in respect of the first offence is from the calendar itself, which designates the charge simply “threatening to burn.” I infer the charge is “threatening to burn buildings.”

There are a variety of circumstances under which “threats” are cognizable by law. Threats or menaces of bodily harm or hurt, whether made orally or by com-

munication in writing, or otherwise, may subject the party making them to punishment, and to the giving of security to keep the peace. In some cases threats of violence are by Statute made felony, and on conviction the maximum penalty is imprisonment in the penitentiary for ten years. The law regards threats of violence as an invasion of the rights of personal security, and interposes signal punishment for the protection of the innocent and for a terror to the guilty.

The Statute has marked with emphasis certain kinds of threats communicated in a certain manner. It provides that—"Whosoever sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, etc., is guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not less than two years, with or without hard labor, and with or without solitary confinement."

Simple larceny at common law is what we understand by the common expression of "theft" or "stealing." It is limited to things personal as goods and chattels, as opposed to things real, as lands and tenements. Larceny is the wrongful or fraudulent taking and carrying away or removing of the personal goods or chattels of another from any place with a *felonious intent* to convert them to the taker's own use and make them permanently his own property without the consent of the owner. The word "feloniously" in this connection may be explained to mean that there is no color of right to excuse the act, and the word "intent" to mean a design to deprive the owner not temporarily, but permanently of his own property. With this definition of larceny coupled with your own common sense knowledge of the offence, I do not think you will have any difficulty in dealing with the cases which will be brought before you.

The only remaining offence on the calendar is *infanticide*. This crime may be defined, the killing of a child after it is born.

In every case in which an infant is found dead, and becomes the subject of judicial inquiry, the great questions which present themselves for inquiry are:

- (1) What is the age of the child?
- (2) Was the child born alive?
- (3) If born alive, how long had it lived?
- (4) If born alive by what means did it die?

If it be established in evidence that its death was caused by violence, it is then to be ascertained who caused the violence and by what means it was effected. If suspicion fall upon the mother it is to be determined whether at or about the time of the occurrence she has been delivered of a child, and whether the signs of the delivery as to time and circumstances correspond with the appearances developed in the child.

In the course of criminal justice the scientific tests, and the evidence applicable to a solution of the foregoing questions, have undergone the most searching analysis, and have been reduced to well settled and defined rules, but a critical or even a cursory examination of them would carry me beyond the limits within which I must confine myself. I may say, however, that intentional neglect in tying the umbilical cord; keeping from the child the nourishment necessary to sustain life; exposing the child to the action of cold; the infliction of any injury or violence whereby life has been extinguished, is in law murder. But where the evidence will not go the length of proving a capital felony by any of these or other means it may be and often is sufficient to establish the less offence of misdemeanor, that is, of concealing or endeavoring to conceal the birth of a child. It may be that the case which you will have to consider may fall within the category of the less offence. This you will be able to determine when all the evidence is before you. I may remark that on the trial of an indictment for a capital felony of this kind the jury may acquit the prisoner of the felony, and find her guilty of the misdemeanor.



You are not limited to the cases I have mentioned to you from the calendar. Other cases may come in while the Court is sitting, and others may be brought before you *de novo*, in respect of which no preliminary proceedings before a justice of the peace may have taken place. Into these latter cases, if there shall be any such, you are just as much bound to make inquiry and thereon to make presentment, as in those cases to which I have especially referred.

Before you close your labors you will make an inspection and examination of the jail and its management and the condition of the persons confined in it, and present to the Court the result with such observations as such inspection and examination may suggest.

It may not be amiss to congratulate you upon the solid evidences around us of the growing developments and of the prosperity of our Province. Notwithstanding the discouragements caused by unpropitious weather at seed time, the season has closed with an abundant harvest. The hidden wealth of Manitoba consists in her prolific soil, from which our permanent riches must be drawn. Ours is emphatically an agricultural land. To its cereal productions, and the cattle grazing on its expansive natural pastures must we look for our wealth. Hence the importance, in so far as it is possible, of making every quarter-section the homestead of an actual owner and occupant. During the past season, although in the forefront thereof, in consequence of the incessant rains, an unusual and extraordinary occurrence, the enthusiasm of many was repressed, yet a large addition has been made to the number of the actual occupants of the soil; and it is most gratifying to know that at last the Government at Ottawa have in earnest set about the distribution of the 1,400,000 acres, half-breed reservation, and that these, the finest lands in the Province, will in small portions soon be in the hands of actual settlers, and thereby Winnipeg, instead of being in the midst of a desert and wilderness, will be the centre of, and be surrounded by a populous agricultural community. For this and other ameliorating measures emanating from the Department of the Interior, this Province owes a lasting debt of gratitude to the honorable gentleman who now so ably fills that office.

We all must feel highly gratified at the visit of two members of the Ottawa Cabinet to this distant portion of the Dominion, the more so as it is impossible, without personal examination, to understand our true position and the vast interests at stake with which the Government at Ottawa have to deal, affecting not only Manitoba and the North-West, but also the whole Dominion of Canada. Three weeks of most active enquiry and examination in all parts of the Province, in respect of the management and conduct of affairs pertaining to the Ottawa Government, and to the character of those charged with these important trusts, cannot fail in producing results most advantageous to the public at large. We deeply regret that the Premier of the Dominion could not have made it possible to have accompanied them. We hope at some future day, not far distant, he will find it possible to pay us a visit, and add to that large stock of information which he already possesses of ourselves and the North-West, and by personal observation verify the high opinion he entertains of the "great lone land."

Above all are we to be thankful for the visit of the Governor-General and Countess of Dufferin. Their visit to the North-West will form one of the brightest pages in the history of Manitoba. If the Earl of Dufferin had returned to England without having made this trip to Manitoba, although he had visited every other Province, he would have left North America without ever having seen the Dominion of Canada, although five years its Governor. We feel proud of the honor he has conferred upon us. We are gratified at the favorable impression the country and its people have produced upon him, and for the free, happy and eloquent strains in which he has given utterance to that impression. The publicity thus given of our country and our incipient civilization in the far West, all over the world, from so distinguished and reliable a source must be followed by most beneficial results.

It is said:

" 'Tis distance lends enchantment to the view."

This may sometimes be true, as well of men as of the scenic display of nature. In the case of the Earl of Dufferin, however, the proposition does not hold good. He is indeed great at a distance, but when we approach near, he towers up like a mountain in the early dawn; and the nearer we approach him, and the better we know him the greater he appears, and the more we are lost in admiration both at the greatness of his heart, and the splendor of his intellect, impressing one with the truth of Wordsworth's lines:—

“To the solid ground  
Of Nature trusts the mind that builds for age;  
Convinced that there, there only she can lay  
Secure foundations.”

His brief sojourn, and that of his truly amiable and gifted Countess among us, has taught us how real greatness and dignified condescension may be so blended as to exhibit in every look and act, the humble and home sympathies of the human heart with the true stamp of nature's nobility. In him and her we all feel that we have been brought nearer the sacred person of Her Majesty, and nearer the Throne of the British Empire. Although in this distant region, we feel that we are more completely within the protection and sheltering folds of that flag which flutters in beauty and triumph on every land and on every sea beneath the whole heaven; and more and more do we feel that our loyalty to the Throne and the Empire is not the offspring of impulse but the child of sober reason and pure devotion.

But I must forbear. Time will not permit me to detain you any longer. I close with the concluding paragraph of the last words of the Governor General on his departure from Manitoba:

“In a world apart, secluded from extraneous influences, nestling at the feet of her majestic mother, Canada dreams her dream and forebodes her destiny—a dream of ever broadening harvests, multiplying towns and villages, and expanding pastures, of constitutional self-government, and a confederated empire; of page after page of honorable history, added as her contribution to the annals of the Mother Country, and to the glories of the British race; of a perpetuation for all time to come upon this continent of that temperate and well balanced system of monarchical government which combines in one mighty whole as the eternal possession of all Englishmen, the brilliant history and traditions of the past, with the freest and most untrammelled liberty of action in the future.”

— — —  
MARCH, 1879. *Charge.*

Mr. Foreman and Gentlemen of the grand jury,—Again, after the lapse of eighteen months, I have the privilege of meeting a grand jury gathered from all parts of the Province to aid and assist the Court in the administration of justice.

Since I had the honor of addressing a grand jury, great changes have taken place, and notable events have transpired in the affairs of the world.

It is with feelings of regret I refer to the expiration of the vice royalty over our Dominion of that eminently distinguished and most deservedly popular nobleman, the Earl of Dufferin, whose administration in Canada has been marked by the most exalted statesmanship, and the influence of whose official career, and social intercourse with the people have tended greatly to the intellectual, moral and social advancement and elevation of all classes, and to cementing more closely this magnificent portion of the empire to the British Throne.

We regret the loss; but we are consoled by the reflection that our loss has been the Empire's gain; in the fact that his integrity of character, mature judgment and brilliant and shining accomplishments have won for him a position at the Court of St. Petersburg—in which will be placed in safe hands the task of dealing with the most delicate and momentous questions now affecting the Empire—and by the

further reflection that his place in Canada has been more than filled by the Marquis of Lorne, a son of the Duke of Argyll, a nobleman standing at the head of the highest order of nobility in the United Kingdom, in rank, in patriotism, in ability, in liberality of sentiment and ancestral renown. The Marquis of Lorne can point with pride to his ancestral line, running back to William the Conqueror, and thence back "till it is lost in the night of treacherous story," all the way luminous with the light of heroic valor and great deeds, and here and there sparkling with the noble sacrifice of life on the field of battle and on the scaffold, in vindication of constitutional liberty.

"Argyll, the states' whole thunder born to wield,  
And shake alike the Senate and the field."

To add to his personal accomplishments and the historic fame of his house, he brings with him his gifted and brilliant marchioness, the daughter of our beloved Queen. We can rejoice in a viceroy deriving his descent from the Bruce of Bannockburn, united with a princess of the noble House of Brunswick, daughter of Victoria, Queen of the United Kingdom of Great Britain and Ireland and Empress of India.

Such marked distinction has never hitherto been conferred upon any dependency of the Empire.

In our own Province a change has been effected by the effusion of time.

If we have not gained, we certainly have not lost, anything.

In our Province a new Administration has been formed, and a new Legislative Assembly has been summoned.

Let us hope that more vigor will characterize the policy and action of the present, than the past governments of the country.

This Province needs at this time energetic governmental action. It must rely on itself. For its local and Provincial improvements it need not look to the Federal Government. Any anticipations founded on such expectations, will, in the future as in the past, prove illusory. The Central Government has as much on its hands already as it can well manage. It must confine its expenditure to objects within its sphere as the Federal Government of Canada. The British North America Act localizes taxation for local and Provincial objects. "The gods help those who help themselves." Manitoba cannot any longer stand still, and Micawber-like, wait for Providence or some other gentleman to turn up.

The proposition has been made, to effect a loan, and with it, upon judicial districts being set off in the western and southern parts of the Province, aid in the erection of judicial district buildings in which to hold the assizes, and construct Provincial public buildings for the use of the Government and Legislature of Manitoba; drain such portions of the country as require draining, and subvent the construction of local and Provincial railways.

I am sure this proposition will meet with the cordial assent and co-operation of every inhabitant of this Province.

These improvements must be undertaken and accomplished or we shall remain for all future time substantially in our present position, and although this proposition, to a certain extent, involves taxation on the present generation, yet the execution of the works indicated will widen the basis of taxation and afford the easy means to ourselves of paying the interest, and by throwing the redemption of the capital on posterity who will reap the greater advantages flowing from these works, and will, accordingly, possess ready facilities for paying off, extending or renewing the loan, to the present generation the burden will be light.

Be not deceived; we must have the public improvements I have mentioned; for their acquisition we must look to ourselves, and we cannot accomplish this end without a loan; a loan cannot be effected without at least laying on taxes to meet the ever-recurring annual interest.

Are you prepared to accept the proposition, with the drainage of the country, the construction of local railways, the setting apart of judicial districts in the west and south, the establishment of Assize towns therein, and the extension of the Court

of Assize thereto, and the erection of necessary judicial buildings in those judicial districts, and public Provincial buildings for the Province in Winnipeg?

It is for you, through your Legislative Assembly to answer; and on that answer hang issues weighty and momentous to the future of this country.

The country is promised the Consolidated Statutes of Manitoba in due time. It is a heavy work, and its accomplishment will necessarily entail the expenditure of considerable labor, time and money.

It cannot be denied that the Statute law of Manitoba is in a rather confused, uncertain and unsatisfactory state. Like all free countries in the West, we have had for its quality too large a quantity of legislation.

Possessing as our Province does, the body of the common law and the Statute law of England as they stood and were in England on the 15th of July, 1870, legislation, in respect of the jurisdiction and constitution of our Courts and of property and civil rights in general, inasmuch as it has to be engrafted on the system of laws we already have in force, requires great circumspection and deliberation and a clear head and the ready hand of a skilled and trained legislator.

I am sorry to say that there are not a few Acts to be found on the Statute book which do not exhibit the characteristics of the careful and learned legislator. This is the more surprising as one branch of the Legislature, during the time most of the exceptionable Acts were passed, was not unfrequently reminding us that he was a lawyer, and once held the high position of Chief Justice of Manitoba.

It is to be hoped that the Commissioners to whom has been and shall be committed the duty of revising and consolidating the Statutes, will be able, while retaining the aim and intendment of the several Acts to present them in such a form that Her Majesty's subjects may have no difficulty in ascertaining what Acts are in force and the several enactments relating to the same subject. More than this, the Commissioners have not power or authority to attempt. Where this will not remedy the evil of hasty or inconsiderate legislation, the mischief must be remitted to the Legislature which alone has the corrective and reformatory power.

My long experience in Legislative Assemblies has taught me the difficulty that the leader of a Government has to contend with in respect of imperfect legislation.

Every enterprising and ambitious member is desirous of courting notoriety by introducing and passing some measure, whether it fits in the existing framework of the laws or not, whether it is really required by the exigencies of the country or not, whether the ground it undertakes to occupy is already possessed and completely covered by the Common law or Statute law or not, it is to him a matter of supreme indifference. His aim is advertisement at the public expense, and this being accomplished, his end is achieved; but the Statute book is disfigured: the law, which before was certain, becomes ambiguous, and the administration of justice is embarrassed.

If the pragmatism innovator be a supporter of the Government he becomes a perplexing problem for his leader to deal with; and not unfrequently the issue is abnormal legislation. If an ill-advised Act has found its way on the Statute book, the Government have retained a supporter.

From this and other causes the Statute book of this Province, it must be confessed, has been incumbered by many Acts—some impracticable, some already obsolete and others literally copied from the Statutes of the older Provinces are not adapted to the circumstances and the condition of this Province, and are a quarter of century in advance of time, or are exploded and obsolete in the Province whence they are derived.

Too much legislation is worse than no legislation. A man may be physicked to death. A country may be legislated to death.

Experience of the past, consideration of the present and forecast of the future, I sincerely hope may, in this respect teach the lesson that wisdom inculcates—that legislation is the noblest work in which man can be engaged, and in its execution every member of the House should bring to bear upon the work, patriotism, disinterestedness, impartiality, an absence of all partizanship, and the best intellectual

powers of which he is possessed. If this rule is acted upon, there will be less cause or complaint in the future than in the past.

My observations have more immediate reference to Statutes relating to property and civil rights. Here is a vast and complicated system of laws, the resultant of the experience and the wisdom of ages. This system, as I have already remarked, as it was and stood in England at the formation of our country into a Province, except as it has since been changed or modified by our own legislation, we possess and enjoy. Too much caution cannot be exercised in making invasions on this system and body of laws. The common law, and indeed every enactment declaratory of the common law, and supplementary thereto, or in amendment or enlargement thereof, rests upon the basis of correct principle, the severe and necessary deduction of the relation of things—not on mere will, conceit, or intellectual caprice. All law in this direction, should command what is right and prohibit what is wrong—define injuries and apply adequate remedies, and assign reasonable punishments—provide for the introduction and accomplishment of what is useful and expedient.

Acting upon these suggestions, but little apprehension need be entertained that legislation will deform the symmetrical system of laws which we already possess, or that our Statute book will be disfigured by abnormal enactments.

Having made these preliminary observations, I will now proceed to your more immediate duties in connection with the Court of Assize; but first permit me to make a remark or two in respect of jurors and jury system.

The jury system in a rude and elementary form, is traced back in England and the Northern continental nations, until its history is lost in the twilight of myth and fable. In the continental nations as they became latinized, the forms and procedure of the Roman civil law superseded trial by jury. In England it always has been, and is now, a component part of the administration of justice. It has been studied and has received the careful consideration of continental jurists for a great many years, without being adopted by any of the continental nations, in the form that it exists in England. Many attempts have been made to introduce it in some modified shape, but it may safely be said that it has not, in its essential Anglo-Saxon feature, met the approval of any people, except those springing from the Anglo-Saxon race.

It is universally adopted in all the Provinces of the Dominion, and, as a rule, in all colonial dependencies of the Empire, where the common law of England is the basis of their jurisprudence, and in the several States of the United States of America. It cannot be denied that the people of these countries, to a larger extent than any of the other nations of the world, enjoy civil and religious liberty and equality of rights, that they are the home of Christianity and civilization—the hope of the human race.

Whatever may have been the influence of the jury system, all must agree in the conclusion, that it has been an important factor in working out these results; for, as are the jurisprudence and administration of justice of a nation, so are the equality of rights, the civil and religious liberty of the people.

In the discussions which have periodically taken place on this subject, I have seen nothing which, in the slightest degree, shakes my strong adherence to the principles of trial by jury.

There is one view of the subject which, to my mind, is conclusive of the whole question. Besides the litigants and their witnesses, we have at every Assizes, in both petit and grand jurors, seventy-four gentlemen of the most considerable substance and intelligence, summoned and attending from all parts of the country. These become not only attentive observers of all that is said and done by the judge and all the officers of the Court, but are themselves active participators in the trial of all causes—a part of the machinery of the administration of justice; they share in its responsibility, and, unconsciously, take upon themselves among all their neighbors the vindication and sanction of the proceedings and judgments of the Court. Hence, in British communities, the decrees, judgments, and process of Courts are enforced by the sanction of public opinion, not by a ubiquitous troop of gensd'armes.

I shall be sorry to see the day when even the grand jury is dispensed with. As a system it may have its imperfections; but the experience of ages teaches that its

errors, if it commit any, are rather attributable to the imperfections of our nature than to the grand jury system. It is an institution which has come down to us through the long corridors of time, hoary with age and consecrated in the hearts of a hundred generations. When I run over the page of judicial history and note the many instances of the bold stand grand jurors have taken between the oppressor and oppressed, between arbitrary power and innocent helplessness, between prejudice and innocence—having regard only to their oath to present all things truly as they come to their knowledge, and to leave no one unrepresented through fear, favor or affection, reward or the hope thereof—although cases may be found in which they have made mistakes, yet, I find, on the whole, that they have done so much in the cause of liberty and humanity that, in contemplating their career, “I love to forget the accuracy of a judge in the veneration of a worshipper and the gratitude of a child.”

I am happy to be able to inform you that the criminal calendar is not heavy, especially when it is considered that it is the accumulation of six months, and is for the whole Province.

I find there are two cases of shooting with intent, etc., one case of embezzlement, two cases of larceny, one case of aggravated assault, and two cases against returning officers at elections for rejecting nomination papers.

The first two, shooting with intent, are, in my point of view, grave offences; they were, indeed, until recently, capital felonies punishable with death.

In both these cases I pretty well understand the facts. That of Beauchamp has indirectly been before me for judicial investigation. In the trial of Filion and Charbonneau for resisting the officers of the law in the execution of a warrant for the arrest of Turenne, that of McIlroy, having occurred in the office of the Clerk of the County Court within these buildings, and an application for bail having been made to me, was of necessity, in discharge of my duty, carefully enquired into, and I was compelled by authority to refuse bail.

I do not think, it is proper for me, at this stage of the proceedings, to make any further observations on the facts. Were I to do so I might unintentionally mislead you; and in any event you must hear the witnesses under oath and form your own judgment as to the facts. It would be highly improper for you, to be guided, in finding facts, by anything I might say, for I am not a witness on examination before you.

But as to the law, it is my duty to instruct you; and it is your duty to accept and act upon the law as I shall lay it down to you.

A deliberate and premeditated shooting with a gun or pistol at and wounding another with intent to kill him, without legal cause or justifiable provocation, is declared by the law to be a felony and punishable with imprisonment for life. In the light of this rule of law, you will, in both of these cases, examine into the facts. First, did the accused shoot the pistol, and was it charged with powder and a leaden bullet or other destructive missile? Secondly, was the pistol intentionally aimed at, and did the bullet or missile hit and wound the person as charged? Thirdly, was it done deliberately and premeditatedly? And lastly, was there an absence of legal cause or justifiable provocation? If these four questions are answered in the affirmative, the offence is *prima facie* complete, and it is your duty to find a bill for the higher felony and to put the offender on his trial for that offence.

It may be, and is often suggested, in such cases as these, that the offender, at the time he committed the offence, was laboring under temporary insanity. In one sense all such persons are insane; but in a legal sense they are perfectly sane. No such suggestion as this must prevail with you. If, on the trial, the facts establish insanity it is for the Court under the law to deal with the case. Society must be protected from criminal lunatics, as well as from sane lunatics. You must leave the question of sanity and insanity where the law has placed them. If a *prima facie* case is made out by the witnesses for the Crown, it is your duty to find a bill, and to leave questions of insanity or temporary aberration of mind to be set up, disclosed, proved and dealt with on the trial.

But if you find that the accused did not shoot the pistol, loaded and charged as I have mentioned, or that it was not intentionally aimed to do mischief, or that it was not done with some degree of deliberation and premeditation, or that there was under the circumstances legal cause or excusable provocation, the higher felony is not made out, and it may be that no offence at all has been committed, and, in such case, you will find a bill only for shooting with intent to maim, wound or do grievous bodily harm; or, if the facts justify it, you may ignore the bill altogether.

Every homicide is not murder. Killing may be murder, manslaughter, justifiable or excusable homicide.

A case of justifiable homicide is where death results in prevention of a forcible and atrocious crime; as, for instance, if a man attempts to rob or murder another, and be killed in the attempt, the slayer shall be acquitted and discharged.

Excusable homicide is of two kinds: (1) Where a man doing a lawful act, without any intention of hurt, by accident kill another; as, for instance, when a man is working with a hatchet, and the head by accident flies off and kills a person standing by. This is called homicide *per infortunium* or by misadventure. (2) Where a man kills another upon a sudden encounter, merely in his own defence, or in defence of his wife, child, parent, friend or servant, and not from any vindictive feelings: which is termed homicide *se defendendo*. The law protects a person in this species of homicide; but good morals and humanity teach that it should never be resorted to, except in the most extreme and provocative cases; and in all cases of this kind as a rule, the slayer is subjected to criminal prosecution, trouble, inconvenience and not unfrequently to great danger, so jealous is the law of human life.

I have made these observations to prepare the way to a statement of the law which may be applicable to the facts and circumstances of one of the charges for shooting with intent, etc.

As a rule *omnia presumuntur esse rite et solemniter acta donec probetur in contrarium*, and, therefore, it is a general principle of law, that a person acting in a public capacity, as a judge, a justice of the peace, a peace officer, a constable, etc., is such official and duly authorized to act as such. In the case of a constable or peace officer executing a warrant of arrest, he must in some way make known the official capacity in which he acts; and that being done, it must be presumed that he has been duly appointed and authorized to act in the premises. When this has been made known, resistance must not be offered to his making the arrest by any one; but the party whose liberty is interfered with and his friends, if present, must have reasonable notice of the officer's business, or resistance and killing of such officer will amount only to manslaughter. A case is given in the books where a bailiff pushed abruptly and violently into a gentleman's chamber early in the morning in order to arrest him, but did not tell his business, nor use words of arrest, and the party not knowing that the other was an officer, in the first surprise, snatched down a sword which hung in his room, and killed the bailiff: it was ruled to be manslaughter. But it will be otherwise, if the officer and his business be known. These remarks apply with great force where the person charged with the execution of the warrant is a private individual, specially appointed for this particular occasion. To entitle him to the protection of the law, he must be careful, as a preliminary step, in some way, to make known to the person to be arrested or cotemporaneous therewith, and to all his friends and connections then and there present, his official character, the authority under which he acts, in short his business; and having made this known and understood, he may use or repel any force necessary to the execution of the warrant and the performance of his duty.

But, assume that the person charged with the execution of a warrant for arrest for a misdemeanor or some minor offence, is not a constable at all, but merely employed for the occasion, and that there is not the slightest ground for suspecting that the person against whom the warrant is issued—(in this case it should not be a warrant, but simply a summons in the first instance)—is likely to escape or evade the arrest on the warrant, goes at an unreasonable hour in the night to a friend's house where the accused is found to have retired to bed, and without making known who

he is or what is his business, either to the accused or to the friends who were affording him a night's hospitality, attempts forcibly to take him and carry him away, without any explanation whatever, and is forcibly resisted and expelled the house: who, in this case, is, in the eye of the law, a trespasser. If the resistance, under the circumstances, had eventuated in the death of the person having the warrant (for he was not a constable) it certainly would have been only manslaughter—probably excusable homicide.

But what shall we say, if this same person returns at daylight, in the morning, with half-a-dozen irresponsible men, some armed with revolvers, and without any explanation whatever, makes an attack upon the master of the house and attempts to drag him forcibly away, and finally seizes upon an unoffending inmate of the house, it may be, in his and his assistants impetuosity, by mistake, and with great violence and force drag him away to a wagon standing ready to run him off, and, in forcing their victim to the wagon, beating him over the head with a pistol and club, and dragging him by the feet with his face on the frozen hubs of the ground, crying for help. Will any one say that nature, which in this respect is above all law, would not dictate and justify the use of all means at command to repel the invaders of a man's home, which is his castle, and to use such force and such weapons upon the assailants as might effect the rescue and liberation of a friend, although, in accomplishing this, every one of the assailants had been shot dead?

In the case I have supposed, if death had resulted to the assailants, it would, in law, which in this respect follows nature, have been excusable homicide; if death had resulted to the assailed, it would have been murder.

If the facts bring either of the cases of shooting within the rule of law I have laid down, no offence has been committed, and you will find accordingly.

In all such cases as these, the law applicable to the constable, the accused and to all persons present, is just what common sense would dictate, and is so plain that "a way-faring man though a fool need not err therein."

I shall next speak of the two cases of larceny.

I know nothing of the facts of either of these cases. I shall, therefore, as the offence is but too frequent for any of you not to have a general knowledge of its characteristics, content myself with a definition of the offence and leave you to apply the law, as I shall state it, to the facts. Larceny is the wrongful or fraudulent taking of the personal goods of another from any place, with a felonious intent to convert them to the taker's own use, and to make them permanently his own property, without the consent of the owner. In this definition, the word "felonious" means without right or color of right, and the word "intent" to deprive the owner permanently, not temporarily, of his property.

The case of embezzlement will not come before you, a bill having been found at the last Assizes.

The case of aggravated assault is of a serious character. From the depositions taken from the committing justice, it appears to have been long premeditated, and to have been deliberately done. The gentleman upon whom the assault was made, was unsuspecting, and in a state and condition disempowering him to defend himself. The offence was committed openly, in the public street, with a cane or whip. The injury inflicted, according to the deposition of a surgeon, was not inconsiderable. The provocation appears to have been an editorial article in the "Free Press" newspaper.

If the accused in this case was aggrieved, the law afforded him redress. He took the law in his own hands and constituted himself his own judge and avenger. In doing so, he has set the law at defiance, inflicted serious bodily injuries and humiliation on one of Her Majesty's subjects in the Queen's peace and under the protection of Her Majesty and her laws.

You will not take the facts from me, but examine the witnesses for yourselves, and a true presentment make according to the facts.

I make but one observation. We cannot treat such offences as this lightly. If the law fails to protect a man from personal violence, the conclusion is inevitable.



Men will resort to the bludgeon, the slug, the skull-cracker, the bowie-knife, and pistol. The weak will endeavor to put themselves on a footing with the strong. Assaults and counter assaults will follow until society is assimilated to that of our neighbors of the South or to the savages of the plain.

This spirit must, in its inception, be "stamped out." All wrongs must be redressed by the law. For this purpose it is ample in its provisions and irresistible in its power. Those who despise it will find it to be their master in the end.

The last cases are misdemeanors. The charge is for wilfully contravening the Election Act, in unlawfully rejecting nomination papers at St. Charles and St. Agathe.

This is a question of great public importance. The returning officers at elections are necessarily clothed with large ministerial powers. They may, in the unlawful exercise of these powers, disfranchise a whole electoral division, by wrongfully rejecting all the nomination papers except that of a favorite candidate, and then, by declaring him elected by acclamation deprive the electors of expressing the voice of freemen at the polls, and sap the very foundations of free institutions.

In the case of Mr. Adshead, the returning officer for St. Charles, in an election petition tried before me, charging an improper rejection of nomination papers, and the return of Mr. Murray by acclamation, I examined carefully the facts, and I felt it my duty to order him to be held to bail to take his trial. In discharge of a solemn public duty, I must say, that I was unable to find, in the evidence, a shade of a shadow of the ground for the action of this returning officer, in rejecting the nomination papers of Mr. McPhillips and Mr. McMillen except that he might return Mr. Murray by acclamation.

The evidence shows that Mr. Murray was present, counselling the returning officer to reject the other nominations and to declare him elected—asserting that his nomination paper was the only one fulfilling all the necessary requirements of the Statute—thus in law rendering himself a principal in the offence.

If the evidence shall satisfy you as it has me, it will be your duty to return a true bill against both Mr. Adshead and Mr. Murray. But this is a matter exclusively within your Province, and I have every confidence it will receive appropriate consideration and action.

In the case of Mr. Jos. Turenne, I find from the papers that he is held to bail to answer a charge of perjury. I do not think this charge will lie. The returning officer before he enters upon the discharge of his duties takes an oath of office—"that he is qualified according to law to act as returning officer for the electoral division for which he has been appointed, and that he will act faithfully in that capacity without partiality, fear, favor or affection." Now, in taking this oath did he at that time and on taking that oath commit wilful and corrupt perjury? Perjury, as a legal offence, is wilfully swearing to something as true at the time, which the party knows to be untrue. It must be something false in fact at the time of taking of the oath. This oath does not contain any allegations of fact upon which perjury can be assigned. It is an official oath, and is no doubt binding in *foro conscientie*, and on such oaths there may be moral perjury; but it is beyond the power or scope of legal tribunals to take cognizance of the offence.

It was on a warrant issued by Mr. Wyld, charging this offence on this oath, and therefore void on its very face, that all the difficulty at St. Agathe took its rise. I am afraid that in an action against the magistrate and all persons acting under this warrant, the warrant itself would afford no protection. I think it was void as charging no legal offence.

No indictment for this charge will, I fancy, be laid before you. If there shall be, it will be your duty to ignore it.

But there is an offence of which it is alleged that Mr. Turenne is guilty, and which was the occasion of all the troubles and scandal that subsequently occurred at St. Agathe, and which, although serious, and in some respects inhuman and unmanly, were providentially attended with no fatal results, although two gentlemen were seriously wounded with pistol shots. It is alleged that he, as returning officer, on the day of nomination received the nomination papers and money mentioned in the

Statute, nominating Mr. Klyne and Mr. Grant as candidates, and also the nomination paper and money nominating Mr. Taillefer. To none of the papers or moneys did he raise any objections till after the time of nomination had expired. He then pronounced the nomination of Mr. Taillefer to be all right, but he rejected the nomination papers of Klyne and Grant—one because an affidavit was sworn to before Mr. Mulvey, as a justice of the peace, whose name he did not find on a list of the justices of the peace which had been furnished him by the Clerk of the Executive Council, the other because the money which had been paid to him and which he had received as money, was not in gold or Dominion notes, and he thereupon declared Mr. Taillefer duly elected by acclamation, and made his return accordingly to the Clerk of the Executive Council.

At this there was, very naturally, a burst of indignation. Hence the unfortunate events to which I have referred.

Now you must understand that I, of my own knowledge nor otherwise, except from current rumor, know anything of the facts. These you will have to ascertain from witnesses whom you will examine. If the facts are in substance such as have been reported, there was a gross and high-handed violation of the sacred right of franchise and of the liberties of the people.

I have given you the foregoing narrative to lay the ground work of one or two directions in point of law :

(1.) If the affidavit to the nomination paper purported to be sworn before Mr. Mulvey, describing himself as a justice of the peace, the law obliged him to presume that Mr. Mulvey was what he professed to be, and it is no justification for him to say that he did not find Mr. Mulvey's name on the list of justices of the peace furnished him by the Clerk of the Executive Council. It was no part of the duties of the Clerk of the Executive Council to furnish such list or of the returning officer to pay any attention to it. The returning officer's duties are prescribed by an Act of the Legislature, not by the caprice of the Clerk of the Legislative Council, nor by that of the Lieutenant-Governor in Council.

In respect to this question as to Mr. Mulvey being a justice of the peace, it is enough to say that he signed his name as such, and the returning officer was bound to accept the fact, notwithstanding any list of justices of the peace that may have been delivered to him; for it falls directly within the maxim I have already mentioned:—*Omnia presumuntur esse rite et solemniter acta donec probetur in contrarium.*

(2.) The objection that the money was not gold or Dominion notes is altogether untenable. It has no warrant or foundation in the Statute or in the reason or nature of things. The \$25 mentioned in the Statute is like any other money to be paid to the Government. It is within the power of the returning officer to demand gold or Dominion notes; but he must do so at the time he receives the money. He cannot receive current bank bills and make no objection to the currency, and wait until after the time for nominations expires, and then raise the objection. His reception of the money concludes him. It is superfluous to say, that if the returning officer, after having received the money without objection, and saying nothing till after the time for nominations expires, then rejects the nomination on the ground that the money is not gold or Dominion notes, he commits a flagrant violation of the law; and I direct you accordingly.

How this notion about this particular money being required to be paid in gold or Dominion notes took its rise, is to me incomprehensible. It could not have originated with the Government for it has not put it in the Statute, and it has not certainly divorced itself of common sense. As well might it say that the law stamps and licenses shall be paid for in gold or Dominion notes. It might go further; it might say that Canada is to pay the subsidy in gold instead of by cheque on the Merchant's Bank; and you, gentlemen, with just as much propriety, might demand from the Government payment of your indemnity in gold. Certainly all the members of the Legislative Assembly must each be paid their \$300 indemnity in gold! The thing is ridiculous. "It was a trap set by knaves to catch fools in." Let them see to it that the fowler is not caught in his own snares.

If you shall find that these are the only excuses that are disclosed in the evidence you shall take on this charge, it will be your duty to find a true Bill without any hesitation. Both returning officers and the Government which appoints and instructs them must be taught that they, like the rest of Her Majesty's subjects, are not above but subject to the law. The very existence and continuance of representative institutions are involved in the issue.

And now, gentlemen, I leave you to the performance of the work before you.

To you, in a large measure, is committed the sacred trust of laying the foundations and of commencing the superstructure of the temple of justice in the North-West. Let the foundations be deep and strong, and let the superstructure rise, in harmonious symmetry and beautiful proportions, till its lofty dome is lost in the skies. Let the stream of justice flow in tranquil current, pellucid and without a stain, from the Rocky Mountains to the Lake of the Woods.

It is by these means alone that the frame work of a society, enfolding millions within its embrace, can be built up and knit together in the expansive prairies of which we are as yet only on the threshold.

We are no inconsiderable portion of a stupendous Empire, which, I believe, under Providence, is destined to work out the political regeneration of mankind.

At this moment the population of the British Empire is 234,750,000, very nearly double that of the Roman Empire in its palmyest days; her territorial area is 7,750,000 square miles, almost five times that under the jurisdiction of the Eternal City reposing in beauty and equanimity on its seven hills, in the noon of its greatness and the ubiquity of its power; and the thunder of her navy and the sails of her mercantile marine are heard upon and whiten every sea and every ocean under the whole heaven.

A retrospect of the past and contemplation of the present, and a prospect of the future, show no limits to her jurisdiction or time to the duration of her domain.

Providence seems to say:—

*"His ego nec metas rerum nec tempora porta Imperium sine fine dedi."*

Her system of jurisprudence and righteous and pure administration of justice, diffused through and interwoven in every branch of her civil polity, have done more in the expansion, consolidation, maintenance and the perpetuation of her power and her sovereignty than her fleets and her armies.

May it never be said that Manitoba is behind any other portion of Her Majesty's dominions in these elements necessary to a nation's prosperity and happiness, to a nation's true greatness.

The charge was then read in French.

The grand jury retired, and the Court then took up some civil business, report of which will appear hereafter.

The Court then adjourned till to-morrow.

OCTOBER, 1879.

The Chief Justice delivered the following charge to the grand jury.

Mr. Foreman and gentlemen,—The grand jury system is an old one, a system peculiar to the English nation. In so far as I know, it has had an existence in the form in which it appears in the British nation, in no other nation in the world. Its origin carries us back to the night of treacherous story, it is lost in the depths of the twilight of history. The influence which the grand jury have exerted in times past in the English nation—that nation which occupies the foremost ground in civil and religious liberty of the nations of the earth—has been, indeed, great. At the present time, of course, having fought the great battle of human liberty, and the efforts of the people having been crowned with success, we are, perhaps, apt to undervalue this grand jury system. The time may come, however,—even in this land—when it will be of great potency in advancing the liberties of the people. There has been, I observe, for some time past an impression prevailing in the legislature of this country that it would be well to dispense altogether with the grand jury system.

It is claimed that an officer of the law may be appointed by the government to review the criminal charges that come before the Court, and if in his judgment a person ought to be put on trial, such trial ought thereupon to take place. There are, apparently, advantages in this system. It is less cumbersome, and attended with less expense. But you must bear in mind also that it would place a most tremendous power in the hands of the executive. I am sorry to say that experience teaches us in this country that the confidence reposed in that body is often misapplied. In leaving the matter with the grand jury, it was left in the hands of a body fresh from the people and responsible to them for its acts—a body the least exposed to any influence except such as is in the right direction—affording thereby greater security to the public making the punishment of crime much more of a certainty than would be the case under the proposed change. In this country, the revenue of which is small, the expense attendant on the administration of criminal justice is, necessarily, considerable. The vicious practice authorized in a former day, of indemnifying jurors to a large extent than was known in any other part of Her Majesty's Dominions, forced on the Legislature the consideration of this question respecting grand jurors, and though they did not venture to do away with them altogether, a change was agitated in the interests of economy, and, without interfering with the efficiency of the grand jury, as they supposed, the number of the body was reduced from 24 to 15, and the petit jury from 48 to 36. As to the petit jury, there can, I apprehend, be no difficulty as to the number fixed on, for if we fail, we can call the tales from the body of the Court. That we cannot do with the grand jury. The experiment thus made is one which, in my judgment, the Legislature were justified in trying; for 48 petit jurors and 24 grand jurors, summoned every Assize, caused a drain of \$144 per day. If you add to that the time lost—the mileage at 10 cents per mile each way from all parts of the Province—you will have an enormous sum expended on the grand jury system each sitting of the Court. Now, the law assumes that the grand jury are gentlemen—men of substance and consideration in the country. That has always been the assumption of the law, and, I am happy to add, that, as a rule, the assumption of the law has been correct. In England the grand jury are never paid. That is an old country, with its aristocracy, middle and lower classes. The grand jury are taken from the middle and upper classes, and that may account for the fact that the grand jury in England would feel insulted were anything offered them by their attendance at Court, and the part they take in the administration of justice.

There is another subject connected with this, and that is the payment of criminal witnesses. Unless that question be handled with a good deal of wisdom, the consequences will be that the indemnity will have to be done away with altogether. How in the world two dollars a day for witnesses' fees, besides mileage, ever entered any body's head to be a reasonable allowance, under the circumstances of this country, it is impossible for me to conceive. In my own Province, which is much older, of course, than this country, and much more wealthy, until quite a recent period, the past four or five years, criminal witnesses were never paid anything. I do not think they are paid at the present day, except in cases where they need it, through being unable to bear their own expenses in attending Court. At the present time, jurors are paid in Ontario one dollar a day, and criminal witnesses (while attending the Court of Oyer and Terminer only)—not on preliminary examination before magistrates—are also paid one dollar a day. In some of the other Provinces they are paid far less. Last Session the Legislature passed an Act relating to fees of certain officers, reducing the indemnity to jurors to one dollar and fifty cents per day for those residing outside Winnipeg, and one dollar per day in the case of those living in the city. Criminal witnesses attending the High Court of Oyer and Terminer, and residing outside the city, are also paid one dollar and fifty cents a day—those living within the city, one dollar. I regret very much, and I am satisfied that every patriotic and reasonable person regrets with me, that the Legislature did not put these payments on a proper basis throughout. Jurors and witnesses might be paid one uniform sum, say one dollar per day, which would, in most cases, at all events

defray their expenses, so that they would not be out of pocket. The fact must be borne in mind, which the Legislature seems to have lost sight of, that grand and petit jurors and criminal witnesses are part of the community connected with the administration of justice. In attending the Court, and discharging their duty, they are only serving their own interests, and that of the rest of the community. And, in turn, these sacrifices on the part of the people are borne by one and another, until in this way the whole community become contributors to the peace, order and good government of society. While on this subject I may state, as the Statutes are not generally known yet, that last Session some Acts were passed bearing on the administration of justice, to which I think it my duty to call the attention of this country, through the grand jury. I notice first—and its importance you will be able to appreciate—an Act containing schedule of fees, which justices of the peace are authorized to take in cases coming before them. Some difficulty has been experienced owing to justices of the peace not knowing what fees they might take, and bitter complaints have been lately made by persons that exorbitant fees have been charged. This Act contains two schedules of fees. No justice of the peace is authorized by law to make any charge or take any fees in which the law gives them the power of summarily disposing of the case; the cases above the degree of misdemeanor, or in cases that cannot be summarily brought before them. Magistrates are not allowed to charge any fees whatever in cases of felony, or even in misdemeanor, which they cannot summarily dispose of. They are the appointees of Her Majesty to assist her in the administration of criminal justice in the community, and if they are not disposed to exercise the duties of that office on the specified conditions, they should never have accepted it. In all instances the schedule of fees stipulates what may be charged. By this they must be governed—in no case going beyond it. I have been informed—though I have no personal knowledge of it—that for taking an affidavit one magistrate made a charge of \$2. Now, I desire to warn magistrates in this connection on two points:—First, that if they presume to take fees, not authorized by this Act, they are liable to a penalty of \$80. Secondly, that they are bound to send to the clerk of the peace or the Provincial Secretary, by the 1st of March and 1st of October in each year, a statement of all that they have done in regard to summary convictions. For default in this particular, they are also liable to a fine of \$80. And, I may add, that if the Attorney-General does his duty he can see that these returns are made. In cases of default, he can see that these magistrates are prosecuted.

Another Act, passed last Session, relates to the fees of counsel and other officers in the administration of criminal justice and other proceedings. To this I wish to refer. It provides, generally, that the judges of the Court of Queen's Bench shall determine the fees that counsel or attorneys may be entitled to take in all criminal proceedings. This general provision is made for the protection of the public. We have, you know, a general prayer that the Lord would have mercy on all prisoners and captives. If a man is a prisoner, the Legislature supposes that a certain protection should be thrown around him, notwithstanding his being a prisoner; and counsel or attorneys should not, under the disadvantageous circumstances under which a prisoner is placed, be at liberty to make a bargain with him to his manifest disadvantage—extorting from him fees of \$100 or perhaps \$200. After that general provision, the Act sets forth a table of fees for sheriffs, coroners and constables, for services in any criminal cases, including fees in cases of distress for rent or otherwise. Hereafter, then, no constable need be at a loss to know precisely what he is entitled to by law for any services he may render; and in cases of distress in respect to which most exorbitant charges, have to my knowledge, been made—the fees are now defined by Statute, and there can be no mistake about them. A penalty of \$40 has been attached to the violation of the provisions of this Act.

I would desire also to call your attention to an important Act of last Session—the County Courts Act. Ever since the Province was organized there has been no County Court Act to direct the County Court clerks, or even the judges in the administration of law in that Court. I venture to say that the Act, as it now stands,

is unrivalled in the history of the legislation of the world—not because of its originality, but because it contains a collection of the English Acts of those of other Provinces, which experience has shown to be in the highest wisdom. The Court has jurisdiction to the extent of \$250 in cases of debt, and is so plain and simple in its forms, that every man of ordinary understanding is able to manage his own business under it, as well as if he had the whole bar of Winnipeg at his back. The whole aim of all its provisions is a vigorous activity in reaching the ends of justice and in the collection of honest debts without any unnecessary harshness to the debtor. It is emphatically a poor man's court. Any person may go into it and conduct his own business without exposing himself to the taunt of having "a fool for a client." While I make these observations in regard to this Court, I wish to guard myself against intending to convey the idea that the profession of the law can be dispensed with. The gentlemen of that profession are invaluable in managing the affairs and business necessarily growing out of the complications of civil society; but I wish it to be understood that their sphere of activity and usefulness is not in the County Court. At the same time, there cannot be the slightest objection that the Court should receive all the advantages and assistance which it may be able to receive from these gentlemen. Every business man should have a copy of this County Court Act lying on his desk, and acting on this idea, the Government have, I believe, published it in a separate form, so that it can be obtained for a few cents. The success of this Act, let me explain, depends on the clerks and bailiffs. As to the clerks in the several Courts with which I am acquainted, I must say that they are really very efficient. I wish I could say as much for the bailiffs, for without proper bailiffs the Court will be a failure. This responsibility, I may tell you, does not rest with the judges, but altogether with the Government, and I make these observations to call the attention of the Government to the importance of this measure. While on this point I may say that it is not creditable to the administration of justice in this Province, that we should have to depend on our present class of bailiffs in the important division of Winnipeg and County of Selkirk. At the last term of the County Court there were a large number of writs remained unserved, and one of the bailiffs appointed by the Government, I was informed, had not been in the office for three months. On Court day he came in with two or three of the writs so dirty and nearly worn out, that one could hardly read them. These he threw down and then went away.

Another Act of last Session of consequence to the public is the Common School Act. From 1870 to 1879 the Legislature in its wisdom has been all the time legislating with reference to the common schools, with as a result a compilation of laws which all the lawyers in Christendom would find it a severe task to wade through in order to find what the Legislature really meant and what the law was. In the cursory examination which I have been able to give the present Act, I find in it several clauses which it does not seem possible to reconcile the one with the other, or with the whole Act, but even as it is, it is of incalculable advantage to those having most occasion to use it.

I shall only refer to one other subject of legislation and that is the Act respecting municipal incorporation. For seven or eight years past the Legislature has been heaping up legislation on this subject. Thousands and tens of thousands of dollars have been expended on these Municipal Acts—the result of all these efforts being a very conspicuous failure. Generally these Acts have been copies of Statutes passed in other Provinces and indiscriminately thrown before the Legislature here. The key-stone of the arch is wanting in the structure, the enactments having been made voluntary. The real gist of municipal institutions should be compulsory organization. Not having adopted that principal years ago, you have no municipal institutions, notwithstanding all your labor and expense. What should be done in a Province with so sparsely-settled a population was to have taken a district organized into a municipality, and when that was completely working, then run down into the minor portions of the Province and organize them. The course was merely such an attempt as one would make who tried to make a sugar loaf stand on the small end.

The Legislature will find itself forced to adopt the simple machinery of compulsory organization of municipalities in divisions or counties.

I will now speak of the business more immediately before you. The criminal calendar of this Assize is, I am happy to say, very light, embracing 12 cases in all (which he specified.) This criminal calendar of the whole Province for six months is so light that it would compare most favorably even with any of the more populous counties of Ontario. I have no doubt that one cause among others producing this state of affairs is the firm and steady course of justice in convicting and punishing the guilty. The certainty of detection, conviction and punishment are strong deterrents to the commission of crime, and in one sense all punishment is directed to this end. The duty we owe to justice as well as to society, is to investigate calmly and dispassionately every case of crime brought before us, convict wherever the evidence warrants conviction, and award the punishment affixed to the offence by the law. Of course I know nothing of the evidence which will be produced before you in support of the several charges. I have to say to you generally, that the evidence must be such as to make out a *prima facie* case of guilt. In other words, if you cannot reconcile the whole evidence with the innocence of the accused, but on the contrary, can reconcile it with his guilt, you must find a bill against him and *vice versa*.

The charge of larceny is perhaps better conceived by the mind than expressed in words. It may be defined to be the wrongfully or fraudulently taking and carrying away the goods of another with felonious intent and converting them to the taker's own use without the consent of the owner. There can be no larceny only of goods, and the guilt of the offence you will observe consists in the felonious intent. I am sorry to say it is such a common offence that you may have difficulty in determining whether the offences charged under this head fall within the category of this crime. The term robbery properly means the stealing from the person, usually accompanied with more or less violence. It is properly made by the Statute a very grave offence. The charge of robbery in the calendar before me is, I am informed, the taking of a large sum of money, effected by breaking into a dwelling and breaking open the trunk which contained the money. This would be burglary and stealing. You will probably have no doubt the offence was committed by somebody. Your difficulty will be to determine who did it. I am informed that there is no direct evidence to fasten the guilt on the accused; but that there is strong circumstantial evidence. Having directed the jury in this matter, His Lordship observed that public justice, the sacred right of property of every individual in the community made it imperative on all concerned to make the most searching investigation into the charge. I have, continued His Lordship, every confidence that you will faithfully discharge the duty the law casts on you in this respect.

The ground of the charge of false pretences is, in plain English, a lie. To constitute this offence there must be an allegation that a fact is in existence which does not exist, and a person who, induced by this allegation, parts with a chattel, money or valuable security. The obtaining the property must be the result of false pretences. Having explained the crime more fully, His Lordship went on to say that the policy of the law is to punish, as a crime, all fraud—to go as far as it safely can in that direction. It is only stopped by the line which separates the domain of those moral obligations, relegated to the court of conscience, from those cognizable by a Court of justice. While the law bars falsehood, it does not assume to deal with it as a moral offence. It only notices it when thereby a fraud is perpetrated.

There is a charge on the calendar of railroad obstruction. That has, with the highest wisdom, been made a statutory offence; for by obstructing a railroad, human life, to a large extent, is jeopardized, and property exposed to destruction.

There is a charge of assault on the calendar. At the last Assizes the grand jury, in making their final presentation, undertook to give an opinion in reference to a case of assault, in which they found a bill, and expressed surprise that the magistrates had not disposed of it. This was a piece of impudence on the part of the grand jury, for every man who is assaulted in his body has a right to bring the offence before the highest court in the land. I do not mean to say that magistrates

may not dispose of these matters summarily, but I say that to do so they must have the consent of the complainant. Having explained how it would be if this right of appeal to the higher Court were not allowed, His Lordship noticed that a charge of forcible entry was on the calendar. In a very old Statute, continued the Chief Justice, passed in England in the time of Richard, I think, this is made a most aggravated offence in the eye of the law, and very properly so. Although the person thus taking forcible possession may have equal right to possession—though it may be his own land—yet if he takes possession forcibly—with a high hand and a breach of the peace—he is liable to indictment. Without such a law party would be arrayed against party, the use of firearms would be invoked, resulting in scenes of bloodshed, without any termination of the difficulty. Having further explained the case, His Lordship said: Once for all the people of this country must be taught that whatever may be their sense of right or wrong, they cannot be allowed to vindicate their feelings by violence. If the evidence convinces you of the allegations in this case, you have but one duty to perform, and that is to find a true bill against every person that was present, and who, by his presence, words or acts assisted or countenanced the forcible expulsion of Hyde from his house and land. The security of families, life and property, and the peace of society, depend on you and me speaking out and acting firmly in such cases as this. The right of either of the rival claimants to the lands in dispute has nothing on earth to do with the question. These rights might have been settled in the Courts, or in other authorized modes. The idea of undertaking to settle them by getting together a lot of persons, attacking a man's house, tearing it down, endangering the lives of himself and family, and dragging them out of doors—such a course of wild, lawless procedure is one of the most terrible things that can happen in a community, and it is just one of those things of which the law must mark its stern disapprobation in order to deter others. I make these observations for the purpose of disseminating, as far as I am able, a knowledge of the policy of the law respecting the protection of life and property.

There is also on the calendar a charge of escaping from the penitentiary. It is not necessary for me to make any observations with reference to the accused, Daniels, as his reputation is pretty well established; as far as it goes. However, you will bear in mind that you are not to be prejudiced in any of these charges. It is for you to be satisfied, beyond reasonable doubt, before bringing in a bill against any of the accused.

Another offence, termed "Bestiality," appears on the calendar, in which, for the sake of the accused, for the sake of human nature, I hope the charge will be proved baseless.

There is also a charge of forgery to be disposed of. Having explained this charge, and given further explanations to the jury respecting the bills to be brought before them, His Lordship dismissed them to their room.

#### MARCH, 1880.—Charge:

*Mr. Foreman and Gentlemen of the Grand Jury*,—The Court of Assize has again convened for the despatch of the criminal and other business which may be brought before it, and in the disposition of the criminal business, an initiatory and a most important part is, by the constitution of the Court and by the law of the land, assigned to you.

The grand jury is selected from gentlemen of the most considerable substance and intelligence in all parts of the country, and the influence they have always exercised, not only in the manner of the discharge of the important duties directly devolving upon them in Court, but also in the community, out of Court, is one of the chief grounds of the respect and confidence which all classes in British communities have always felt in the administration of British justice. Manitoba is no exception to this rule. Whatever adverse criticism, in other respects, may be made upon Manitoba by the outside world, no one has ventured, and I hope never will have occasion to venture, to call in question its pure administration of justice, as respects its



Juries, its Bar, or its Bench; and as regards our own people, confidence in the impartial administration of justice and as a consequence, respect for its Juries, its Bar and its Bench, and a spirit and feeling of confidence in the conduct and decisions of its Courts lies at the foundation of the prosperity and future growth and greatness of our country. This is not accomplished by the number of cases with which the Courts have to deal, but by the stern, severe and inflexible principles of justice with which the few that are brought before the Courts are disposed of. From the comparatively few of the transactions of life brought before and decided by the Courts, the people take instruction and warning and govern themselves accordingly in the many transactions arising in the complicated and varied business of civilized life. The silent but impressive injunction is *ex uno disce omnes*. The jury system is eminently conducive to the dissemination and propagation among all classes of the community of the general principles of law which govern the relations of men in a social state, and the legal rules and rights applicable to trade, commerce, exchange and the multitudinous transactions of human life.

In the administration of justice, as a rule but little difficulty now exists in the proper application of the rules of law to any given and admitted state of facts. The great difficulty that Courts have to contend with is, the clear and unquestioned state of facts. In many cases the true state of facts depends upon the verbal allegations of witnesses.

When we reflect upon the momentous interests of property, reputation, liberty and even life dependant on human testimony, it may not seem amiss to make an observation or two respecting the foundation of, and the grounds for belief in human testimony. Of course, the ground-work of all evidence is human knowledge; and all that men know is referable to perception and reflection. But the knowledge that we have acquired or shall acquire by our own perception and reflection, is but a small part of the sum that we now possess or shall hereafter acquire. Much of our knowledge is gained from the perception and reflection of others, and will continue to be to the end of our life. In our childhood we believe implicitly almost all that is told us. So great is this natural disposition to confidence and belief in all that is told us, it may properly be termed instructive—a principle implanted in the very nature of man by the Supreme Being. In infancy and early youth we believe everything that is told us; but as we grow older, and learn only from experience and reflection that, of all the things told us, some are not true; and then only do we begin to find out that all that may be told us may not be true, and our former confidence in the testimony of others is weakened; we find in some things we have been deceived; in others, we detect falsehoods; as these go on and multiply upon us, we gradually become more and more distrustful of statements made to us, and learn by “experience” the necessity of testing them by rules. “Confidence,” exclaimed Lord Chatham on a memorable occasion, “is a plant of slow growth in an aged bosom;” and it is true that as we advance in years, and as our experience matures, the instinctive proclivity of infancy and youth to rely on testimony is more and more diminished, and more and more controlled and modified, and we are more and more disposed to subject human testimony to the crucial test of experience and reason.

It may, therefore, be stated that the basis of our confidence in evidence rests upon our faith in human testimony, as sanctioned by experience.

Independent of all moral or religious or moral considerations, the natural and instinctive nature of man is to tell the truth; and to believe as true, what is told to him by others: and this natural principle of his nature, however much it may have been outraged, or blunted by experience, clings to him as part of his natural being, through life.

Notwithstanding this natural instinct to tell the truth, supported by the monitions of conscience and his moral nature, and the sanctions of religion, we not unfrequently meet with cases in which a person from passion, self interest or some influence brought to bear upon him, perverts the truth, and thereby dishonors manhood, does violence to his own nature and outrages the great moral law.

Although the English law is severe in its dealing with and punishing the crime of perjury, to the honor and glory of the nation, there is seldom occasion for its invocation. If one national characteristic more than another distinguishes the British people, it is, on all occasions, the outspoken truth. They regard truth as the brightest ornament of a manly character, and would rather have any offence charged against them than the mere imputation of want of veracity. I have no intention, in making this observation, to make the slightest discrimination between the people of British and French origin in this Province. Far from it. If I were to discriminate at all, which I do not, I am not clear, from the information and experience I possess, it would be in favor of the general veraciousness of those of French origin.

However, in this respect, as a whole, there is a vast difference between the British people and the inhabitants of India, the subjects of the Czar of Russia, and of many of the continental nations of Europe—to be accounted for, probably, by their social, religious and political institutions.

Truth and candor, essential in the correct investigation of the true state of facts in courts of justice, is a never failing and never fading ornament of character in every relation of life. It goes to compensate and excuse many other defects. To the professional gentleman it is the *sesame* that opens the ear of the court and inspires confidence in every business man with whom he comes in contact. He may lack showy and shining qualities, but, my word for it, with even moderate abilities, if he really possess and practice, on all occasions, truth and candor with industry, his success is assured—without truth and candor, even with the most brilliant talents, his success is more than doubtful.

The most odious and hateful character of which it is possible to form any conception is that of the common liar; but when the common lie ends in perjury the character becomes too terrible—too horrible even for contemplation, and we strive to close the eye of the mind and shut out the hated and odious vision.

These observations apply to persons in every walk of life.

These remarks have extended to greater length than I intended. I commenced them for the purpose of introducing to your notice some tests to guide you in judging of the credibility of witnesses.

In many cases it is impossible to ascertain with anything like certainty what character the witness deserves for honesty and intelligence, and how far he may be actuated by interested, malignant or other improper motives. On these heads more or less doubts must always exist. A rigid cross-examination is all that is left. In estimating the credibility of a witness, the mode and manner of his giving evidence, and conduct and demeanor while giving it, are of great importance.

The language of truth is that of simplicity, minuteness and ease; that of imposition laboured, cautious and indistinct. The partizan witness will betray over zeal, or studied and laboured indifference, answering without waiting to hear the question, or apparently considering, and answering with great deliberation, or pretending he did not hear or understand the question, taking time to think what answer he shall give; he will pretend not to recollect facts in respect of which he may be contradicted, and will minutely remember others in respect of which he knows he cannot be contradicted; on cross examination he will answer flippantly or evasively; on one question being asked he will give an answer to another; he will, on a question being put, desire to go into an explanatory answer, instead of answering directly, and then, if proper, going into an explanation; he will affect indifference, declare he is telling the truth, and may call upon God to witness his truthfulness and sincerity. All these, or any of them, are indications, more or less conclusive, of insincerity and falsehood. On the other hand, the non-partizan witness, in his testimony, is calm and simple; in his manner there is naturalness, in his narration of facts, unaffected readiness, and appropriate copiousness of detail, as well in one part as another, and a manifest and evident disregard of either the facility or difficulty of vindication or detection.

There are many other tests which might be named, but those I have mentioned may suggest to your good judgment the many incidents, accidents and circumstances

attending the giving of evidence by a witness, which may enable you to judge of its reliability and credibility.

I am happy to inform you that the criminal calendar is very light. On it I find but two cases—one of forcible entry, the other for larceny. These are the only cases on the calendar which have arisen in the Province and been brought before this Court since last Assizes, a period of six months. True, a few, very few, cases have in the interim, been disposed of under the Criminal Speedy Trial Act. Without any exaggeration, we may venture to say that our country is almost free from crime. This is the more surprising considering recent immigrations from all parts of the world, and the mixed and homogeneous character of our population, and the close proximity of extensive public works, upon which are employed a large number of laborers whose headquarters are Winnipeg, and who have no stake in the country, and whose stay is only temporary.

Our almost entire freedom from crime for the three or four years past may be attributable to many causes. I think one may be mentioned as largely contributing to this result—the certain detection, conviction and punishment of every person committing an offence. The law, in its administration, is emphatically a terror to those disposed to do evil, and a protection and defence to the innocent. This conviction has seized and found a lodgment in the mind of all classes, and the result may be seen in the calendar before me. My most ardent hope is that this state of things may long continue.

Forcible entry or detainer is committed by violently taking or keeping possession of lands and tenements with menaces, force and arms, and without the authority of law.

“It has been laid down in the books that, at common law, and prior to the passing of the Statutes relating to this subject, if a man had right of entry upon lands or tenements, he was permitted to enter with force and arms, and to retain his possession by force where his entry was lawful, and that even at this day, he who is wrongfully dispossessed of his goods may justify the re-taking of them by force from the wrongdoer, if he refuse to re-deliver them.” But the more modern and better opinion is that any forcible entry, with a high hand, is an offence at common law. However this may be at common law, the Statutes which have been passed on the subject clearly make every forcible entry, with force and arms, or violently with a high hand, whether the party making the entry has a legal right to do so or not, unlawful, and give restitution and damages to the party aggrieved. These are old statutes (5 Rich., 2 c. 8; 15 Rich., 2 c. 2; and Henry 6, c. 9 s. 3; 21 Jas., 1 c. 15) but were wisely conceived in view of the peace of society and the prevention of strife and bloodshed, and are just as wise in their provisions and as fitly applicable to the subject-matter to which they relate to-day as they were when passed.

The general effect of these Statutes is that no man shall, by force, take possession of his own land, the right to the possession of which is by law vested in him, if, by so doing he makes a breach of the peace. It makes no difference to whom the right of possession belongs. The recovery of the possession of land must be enforced through the process of the courts of law, it matters not how clear and unquestioned the right of possession may be. Even a tenant overholding against his landlord cannot, by the landlord, be put out by force, and with a high hand.

I know nothing of the facts of the case which will be brought before you. If the evidence satisfies you that that the accused have obtained or attempted to obtain by force and violence possession of land in the actual possession of another, and to expel and put out that other, it will be your duty to find a true bill. The law does not permit any individual thus to assert even his clear right, much less a doubtful or disputed right.

The other case is larceny—a crime unfortunately too frequent, and too well known and understood to require any exposition from me. Larceny at common law may be defined to be—“the wrongful or fraudulent taking and carrying away the personal goods of another, from any place, with a felonious intent to convert them to

the taker's own use, and make them permanently his own property, without the consent of the owner."

There are a variety of criminal acts made larceny by Statute, which at common law, would not be larceny.

Whether the party charged in the calendar is charged for larceny, at common law, or by Statute, I know not. The Attorney-General who has charge of the criminal business on behalf of the Crown will instruct you, if you require any information on the subject.

A clear *prima facie* case should be made out to you before you find a true bill; on such a case being made out it will be your duty to put the accused on his trial.

In all cases before you, you are only to hear the witnesses for the prosecution—not for the defence.

In all cases the witnesses for the prosecution must make out a case free from reasonable doubt; failing this, it will be your duty to ignore the bill.

It will be part of your duty to examine the jail, its condition, and the manner in which it is kept, and the treatment of those in confinement, and you are at liberty to make any observations you may see fit, on the state and condition of the Court House and jail and their management.

It is quite within your province to inspect, examine, and report upon the state, condition and management of the Winnipeg General Hospital. This is a public institution, in which the people of the Province have a deep interest. The advantage to the people of Manitoba, in many points of view, of a superior curative establishment, affording surgical and other medicinal facilities in a more perfect manner than could otherwise be obtained, and the incentive to research thereby placed before the medical profession, and the practice and the experience thereby acquired, are certainly deserving of consideration; besides all this, a grant is annually made for the support of this institution from the public exchequer. This gives you the right to examination and inquisition, and all experience teaches us that periodic inquisitorial visitations of such institutions, have not marred, but rather promoted their efficiency and usefulness.

In making these observations I must not be understood as in any way questioning the excellency of the conduct and management of the Winnipeg General Hospital, on the contrary, in so far as I know, or have any reliable information, it has been most admirably conducted, and has been of great service to many unfortunate persons, and has been, and is, a monument to the considerate charity of the people of Winnipeg and a credit to the whole Province. If it is what its founders intended it should be, and what its present managers represent it now to be, neither its usefulness nor its reputation will be diminished or impaired by the semi-annual visitation of the grand jury of the Province.

Before concluding, it is proper I should call the attention of the country to some of the principal measures passed by the Legislature which has just closed the labors of its first Session.

From the work of the Session, viewed as a whole, I think the country has reason to congratulate itself upon the composition of the Government and the House. Legislatures, like individuals, are to be judged by their acts. "By their works we shall know them." The testimony and experience of all ages informs and teaches us that names, cries, shibboleths and designations of party and faction are "traps set by knaves to catch the fools in." The *experimentum crucis* to which every Government and every Legislature should be subjected, and by which alone their character should be determined, is their "works." Subjected to this severe test, I think the present Legislature is far in advance of any preceding Legislature in this Province, and that it will not suffer by a comparison with the Legislatures of any of the sister Provinces of the Dominion of Canada.

It cannot be denied that in this Province the order and good government of the country, primarily rests with and must emanate from the people. It is equally a well-settled axiom that in a large measure the establishment and maintenance of schools, the opening, construction and maintenance of roads, and generally all local

works and matters must be remitted to, and undertaken and accomplished by localities, in short must be localized. This has been the conviction of the more intelligent mind of the Province for a number of years; Statute after Statute has been passed with the view of the realization of this idea and conviction, but to no purpose. The expense of even the printing of all this legislation in respect of municipalities which the present Legislature in its first Session has declared worthless has not been inconsiderable. As I mentioned to the grand jury of the last Assizes, the whole scope of the legislation had been misconceived. It proceeded on the principle of the voluntary municipal organization of the primary localities, as townships and parishes, as necessarily preceding that of larger localities, as counties or areas which might form counties containing several wards. I all along pointed out that on this principle of procedure nothing would be accomplished. Still this course of legislation was persisted in, and after the lapse of eight years the result has demonstrated the total failure of all efforts in this direction. But it is said, *experientia docet stultos*.

In the last Session of the Legislature all this rubbish has been swept away, and a plain, concise Act passed, placing municipal organization on a practicable and common sense foundation. The whole Province is divided into twenty-six municipal divisions, and each division into six wards, which are to form the electoral districts from which councillors are to be elected to the general council of the divisions, and failing to make the election the Lieutenant-Governor in Council is to fill the vacancy by appointment by Order in Council. Each Council is to consist of six councillors and a warden. As I understand the Act the warden is to be elected by the vote of the whole division. I cannot say I approve of this feature. I would rather leave the election of the warden to the councillors. This, however, if thought desirable, may be easily changed.

The organization provided by the Act is compulsory. If a council is not chosen and organized by the action of the voters within the division, the Lieutenant-Governor in Council will do it for the voters. There is no escape. Each division must have a municipal council of its own choosing by its voters, or one appointed by the Lieutenant-Governor in Council.

The Act was assented to on the 14th February; it must be put into practical operation within three months from that time. Therefore, within three months from this day we shall have about twenty-six municipal councils sitting in session over the whole Province, deliberating upon the establishment and support of schools, the making of roads and bridges, the drainage of lands, the regulation of fences, ditches and dykes and cognate subjects.

I have no doubt the Act in question will prove a great success, and that the reputation of the gentleman instrumental in its introduction and passing will go down side by side with that of the late Honorable Robert Baldwin, the author and introducer of the municipal system into the late Province of Upper Canada, now the Province of Ontario. The next Act I shall mention is that to interdict the use of intoxicating liquors.

I shall not dwell upon the evils flowing from the use of intoxicating liquors. It has destroyed, is destroying, more lives than war, pestilence and famine. It not only shatters the casket, it destroys the jewel within, it kills beyond the tomb. The slimy trail of the serpent may be traced even over the virgin soil of Manitoba. It not only disrobes its victim of manhood, but demoralizes and brutalizes his whole nature. It casts over the land a dark and sinister shadow; it spreads over the face of the country a dark flood, on the turbid bosom of which float in wild confusion ruined fortunes, wrecked hopes, blasted reputations, bursting sighs and broken hearts.

The interdict Act is a life boat sent to rescue the alcoholic mariner just about to be thrown upon the breakers and engulfed in the awful deep.

The whole scope of the Act may be expressed in a few words: it aims at depriving a man of the ability and power of getting liquor, who has lost the government of himself, by interdicting all who sell liquor, from giving any to him; its direct action in this respect is on the liquor seller, not on the liquor drinker. The means

provided in the Act for accomplishing this object are ample, the machinery simple, speedy and easily set in motion.

But if the interdict of liquor dealers proves ineffectual, the intendment of the Act to save the inebriate is not to be baffled. In cases where the remedial measures to which I have referred will not avail, humanity has prompted the Legislature to provide for the imprisonment of such at hard labor until their reformation and restoration to a right state of mind are assured.

This Act may do great good. If it only saves one person a year it is no small achievement.

The life and immortality of one man will well repay the gentleman who conceived, formulated and passed into law the provisions of this Statute. In some of its features, in so far as I know, it is entirely original. I wish it success in its efforts for good.

Of the many excellent and progressive measures passed, I can only refer to one or two more.

The Drainage Act is a most important measure. It is, as it seems to me, wise in its policy and perfect in its provisions. All that it needs is money, to carry into effect its provisions, and that is provided for in the Act to authorize the withdrawal of the capital at the credit of the Province with the Government of Canada.

As another evidence of progress, I may mention the Act providing for the holding the Court of Assize at Portage la Prairie.

If the people are only true to themselves, it will not be long till they have an Assize Court in the region of the Pembina Mountains, in that of Morris, and at some point north-west of Portage la Prairie.

The first great impetus to undertakings having for their object the advancement of our people in the race, in internal improvement and consequent prosperity, has been given. A new era is opening up to our contemplation. The spirit of our whole people is awakened. Succeeding sessions of the Legislature will lead in the onward march of events; and the stagnation which has hitherto brooded upon our energies will soon give place to life and activity, and the Legislature of 1880, may well be entitled to say—

*Exeginus monumentum ære perennius.*

I now dismiss you to your duties.

## CHAPTER V.

### *Observations on the Fifth Paragraph of Mr. Clarke's Petition.*

"That the said Hon. E. B. Wood, in his charge to the grand jury for the Province of Manitoba, at the Spring Assizes of 1880, declared that he had no confidence in the oath of any of the French native population of the Province, and as a natural consequence of such a declaration, a large and important class of the population of the Province of Manitoba had lost all confidence in the impartiality of the Chief Justice, and can entertain no hope of fair or impartial justice before him."

The charge in the fifth paragraph is, "that at the Spring Assizes of 1880, I declared that I had no confidence in the oath of any of the French native population of the Province," &c.

Mr. Clarke is as reckless in this as in all his other statements; but, no doubt, he fancied, by boldly stating, in this connection, a wilful falsehood, as in the first paragraph of his petition in respect of Riel, and in the second, in respect of Lepine that he would excite the French members of the House against me, who would never think, in a matter of this kind, of testing the accuracy of the statement by an appeal to the charge to the jury.

In my address to the grand jury, at the Spring Assizes of 1880, which is given in full in my observations on paragraph four of this petition, is the following passage, which is the only one at all referring to the subject:—

“Although the English law is severe in its dealing with and, punishing of, the crime of perjury, to the honor and glory of the nation, there is seldom occasion for its invocation. If one national characteristic more than another distinguishes the British people, it is on all occasions, the outspoken truth. They regard truth as the brightest ornament of a manly character, and would rather have any offence charged against them, than the mere imputation of the want of veracity. I have no intention, in making this observation, to make the slightest discrimination between the people of British and French origin in this Province. Far from it. If I were to discriminate at all, which I do not, I am not clear, from the information and experience I possess, it would not be in favor of the general veraciousness of those of French origin.”

Now, what is one to think of any pretended statement of facts by Mr. Clarke, after such an exposure as this?

## CHAPTER VI.

### *Observations on the Sixth Paragraph of Mr. Clarke's Petition.*

“That suitors of the Province of Manitoba have lost all confidence in the administration of justice by the said Hon. E. B. Wood, by reason of the evident and notorious partiality of the said Hon. Chief Justice in the exercise of his judicial functions in favor of certain members of the Bar of Manitoba, practising before him, some of such members of the Bar being his own near relatives, a partiality so clearly proved in the eyes of the public, that a large number of litigants abandoned their own attorneys and in self-defence felt compelled to employ said members of the Bar favored by him or retained in addition to their attorneys, admitting openly that they so acted, because the members of the Bar had full empire over the judge, and that he made them gain their cases.”

The purport of this paragraph is that I am partial and corrupt in my judgments by reason of my desire to favor some relations who are practising at the Bar; and so notorious is such partiality, that a large number of litigants have abandoned their own attorneys, and have gone to the favored members of the Bar in self-defence.

I have a nephew of some years at the Bar and a son who was, a little over a year ago, called to the Bar, practising law in Winnipeg. I believe they have the reputation of fair practitioners, and I believe they deserve that reputation.

There is no allegation in this paragraph corollated to any fact, incident or occurrence by which (unlike in this respect the last two preceding paragraphs) it may be tested. In this case, there being no evidence in the affirmative, for I must, after what has been disclosed, regard Mr. Clarke's declaration of fact as entitled to no weight whatever, the issue is of such a nature that it is impossible for me to prove a negative. I do not forbear to do this on the rule, *ei incumbit probatio qui dicit, non negavit*, but because in the nature of things, it is impossible. If one person who had lost confidence, or one person who had suffered in any way from the cause alleged, or one person of “the large number of litigants who had abandoned their own attorneys and employed the favored attorneys,” or the name of one of the persons who are alleged to have “admitted openly that he had so acted because of partiality to the favored attorneys,” or one cause in which injustice had been done, had been mentioned, I might, and probably should, be able to expose the untruthfulness and the cruel and contemptible meanness of the whole paragraph. There in court are the evidence, judgments and decisions, in writing. Let Mr. Clarke name the person or the cause, if he can or dare. I will soon dispose of it in the manner I have, and shall yet do, wherever he has connected any person or thing with his malicious and untruthful allegations. I have no recollection of my son holding before me but two

briefs outside of his own small office business, one was with Mr. Howell, in *Ham vs. Rowe*, and the other was for Mr. Clarke, in *Clarke vs. Carey*; but in the latter case the jury gave, as I thought properly, a verdict for the defendant against the sworn evidence of Mr. Clarke, who was the chief witness for himself. How could it be otherwise? The jury knew the man.

I pronounce the whole of this sixth paragraph a tissue of brazen falsehoods from beginning to end. I am sorry to have to use such strong language, but no other words will express the truth.

## CHAPTER VII.

### *Observations on the Seventh Paragraph of Mr. Clarke's Petition.*

"That said Hon. E. B. Wood is in the constant habit of receiving, at his own private house in Winnipeg, persons who go to him to ask for his legal opinion and advice in matters affecting their interests, and which must naturally come afterwards before said Hon. Chief Justice Wood, as a judge of the Court of Queen's Bench, for trial; that he gives his opinion, and even recommends such persons so consulting him as to what attorney they should retain, and warns them against retaining other attorneys who are not his favorites."

Matters, judicial as well as everything else, were new and unsettled when I came here, and for some time after; and, to this day, I have been more or less annoyed by persons having legal business to transact, in writing letters to me, or personally calling upon me, in respect of the same. That is not at all surprising, when the then unsettled state of the law, and its practices, are considered. As it was manifestly done in good faith, and without consciousness of impropriety, I uniformly handed the letters to the Clerk to answer. "That it was improper to address such letters to me, and that my advice to them was, to take advice from a lawyer, who was the proper person to apply to;" and I told those who called on me: "That it was improper for me to hear them;" and I explained to them the reason why; and I uniformly had one way of dismissing all such persons, by telling them: "I would give them the best advice it was in my power, and that was, to take advice of a lawyer." In such cases I have been asked: "What lawyer would you recommend?" and my answer has invariably been: "That you must determine for yourself. I cannot select a lawyer for you. There are many respectable lawyers in town. I cannot recommend any one in particular. It would not be right for me to do so. You must make enquiry and make your own choice."

But all this is well nigh at an end. The people are learning better; yet, once in the while, it still occurs; and I understand that it sometimes even now happens in the older Provinces; and I learn from a judge of long experience in my native Province of Ontario, that the method I have adopted is that uniformly pursued by the judges of that Province.

All I can say to this paragraph is, that in all its parts it is a most wicked, malicious and satanic falsehood. Laying aside all sense of honesty, honor, propriety and decency, no judge, unless he were an idiot or a fool (and I am not charged with being an idiot or a fool), would do what I am charged with in this paragraph; for it would certainly lead to exposure, and a train of insuperable embarrassments, with no compensating advantages.

Now for the name of one person out of those whom I am in the constant habit of receiving, &c., or for the name of one case in which such advice has been given, or for the name of one person whom I have recommended to retain any attorney, or warned against retaining other attorneys who were not my favorites! The name of no person, the name of no attorney, the name of no case is given; and yet if but one such case occurred, it would be known to all Winnipeg!



## CHAPTER VIII.

*Observations on the Eighth Paragraph of Mr. Clarke's Petition.*

"That the said Hon. E. B. Wood is in the constant habit of using the most abusive language towards his suitors and members of the Bar of Manitoba in open Court and in Chambers, and displaying such uncontrollable infirmities of temper and bursts of passion whilst acting as a judge as to disgust all parties who are so unfortunate as to be compelled to submit to his abuse, insults and injustice."

In the introduction of a system of jurisprudence with all its complications, and technical rules, into a new and in a judicial sense, untrained state of society, where the profession, as a rule, had not an overstock of legal lore and less legal training, as was the condition of the society and of the profession (with few exceptions) in Manitoba, when I came to the Province, the trouble, vexation and annoyance to which a judge is subjected may be imagined, but can scarcely be realized.

But with all the difficulties I had to contend with, I bore everything patiently and with equanimity, except when through the seeming indifference and inattention of attorneys and counsel the interest of suitors suffered. In such cases, I must confess, sometimes my strong sense of intrinsic justice and right got the better of my "placid serenity," and I may have appeared and been rather severe upon attorneys and counsel. I may say, I think with truth, this or the natural improved condition of attorneys and of the profession in general, and the advanced position to which our whole judicial system has now attained, has rendered rare any occasions for unpleasant animadversions on the conduct of professional gentlemen from the Bench. But even now, I think it the duty of the Court to stand between "the lawyer and the client;" wherever wrong is done, to right it, or intended to be done, to arrest it; and while I have the honor to hold Her Majesty's Commission, I shall act upon that principle, whatever may be the consequences to myself. In no other case have I been severe on attorneys or barristers. In the instances referred to I have been and shall continue to be stern.

Mr. Clarke in this respect, may complain; but injustice he has no reason to. His conduct, in so far as it has been disclosed in the Courts, is simply infamous. In my previous observations I have given some instances; many more might be added; and what in the eye of the lawyer aggravates all, is his supreme ignorance of all law both civil and criminal. He understands the arts of intrigue and low cunning; but he has no knowledge of law in its higher and more exalted sense. He may complain of the plain language that has been dealt out to him from the Bench; but in every case, he brought it upon himself, and it has been fitting and proper. If he thinks otherwise, let him state a case for the opinion of His Excellency in Council, and then on hearing the counter statement, a correct opinion may be formed on the subject.

## CHAPTER IX.

*Observations on the Ninth Paragraph of Mr. Clarke's Petition.*

"That the said Hon. E. B. Wood is in the habit of taking the unsworn statements of persons on the streets or at his private residence in preference to the testimony of sworn witnesses in Court, and of giving such unsworn statements more credence than the testimony of sworn witnesses, and that he did so particularly in the case of *Sinclair vs. McDonald et al.*, in October, 1880, and was exposed through the public press for so doing."

It is hardly to be expected that I am to disprove the general allegations in this paragraph. It is all untrue, and most maliciously untrue, from beginning to end. But in this paragraph, a case and names and some incidents are given, which is a great relief; for we have something to go upon, and can by records and facts, test the truth of the charge, in so far as the particular case is concerned.

The case of *Sinclair vs. McDonald* and others, as it is called, is mentioned as a case, in which evidence was taken, outside of the Court and not under oath, for which I was exposed in the public press.

This deliberate and mean falsehood was no doubt provided Mr. Clarke by Mr. Thomas Kennedy of this City, barrister, who at present has, and for about a year past has had the management and conduct of the legal business of Manning, McDonald & Co., railway contractors, on section 16, Canada Pacific Railway, and the defendants in the above case, or by Messrs. Manning, McDonald & Co. or some members of that firm. The evidence of this will hereafter appear.

The contract of Manning, McDonald & Co. commences at Rat Portage, a hundred and thirty miles or so east of the city of Winnipeg, and thence extends eastward forty or fifty miles or more, out of the limits of the Province of Manitoba and the jurisdiction of its Courts, in the District of Keewatin. The company and their solicitor seemed to have formed the notion, if they made their contracts in Keewatin and the alleged breach was in Keewatin, the Courts in Manitoba had no jurisdiction of the alleged cause of action, although the defendants might be served with writ of summons within the limits of the Province. The courts held otherwise. The company's agents in Winnipeg were served—one of the company, when happening to be in Winnipeg, was served in spite of this technical objection which they thought protected them, they were involved in litigation. Laboring men would come into Winnipeg and sue contractors for wages by serving an agent or one of the contractors; and to these suits for labor, their defences were seldom successful. The company were highly exasperated. They censured in no sparing terms the Court and the judge.

In trials by jury, they fared no better. For all this, of course, the Chief Justice was to blame. As for myself, I endeavoured, and I believe I did, hold the scales of justice even, and in most cases I thought the laboring man right; and in all cases, where there was any ground for controversy or difference of opinion, I delivered my judgments in writing.

The same difficulties were experienced by Mr. Joseph Whitehead, railway contractor; and Mr. Ryan, railway contractor; and Murphy & Upper, railway contractors. One great embarrassment was, when the laborers had worked a while, or at the end or termination of their service, they found that, although when they commenced work and during its continuance, they supposed they were working for the Government contractor, it was *then* alleged they were not working for the contractor at all, but for some irresponsible sub-contractors. As a rule the sub-contractors had nothing out of which the men could collect their wages. We had a great many of such cases. They were to me most distressing and painful. Some of my judgments were published in the papers. At random, I clip the following from the Manitoba "Free Press," of April 21st, 1880:—

#### CONTRACTORS AND THEIR RESPONSIBILITIES.

##### *The Judgment in Bell and McDonald vs. Bryan.*

The following judgment was given by the Chief Justice, in the case of *Bell and McDonald vs. Ryan*. It is interesting as bearing on the relations and responsibilities of contractors with reference to those who may be employed by them, and as it contains some useful hints, we give it *in extenso* :—

In this action, the plaintiff seeks to recover from the defendant the amount of due bill and order on the defendant, given by Watts & Welch, foremen and agents of the defendant, for work done by the plaintiffs for the defendant, and at his request through his agents, Watts & Welch, in getting out ties and materials for the defendants, for, and in the prosecution of, a railway construction contract, taken from, and made by him with the Government of Canada, being the sum of \$133, and interest thereon from the 20th March last.

The defendant, on the 19th August, 1879, entered into a contract with Her Majesty, whereby he bound himself to find all things, and make and contract a

line of railway from Winnipeg to Stoney Mountain, and thence westward for 100 miles.

The contract contains all the usual, and some unusual clauses, on the part of the contractor, embraced in such contracts.

The contractor was to furnish ties and lay the track. These ties would have to be got out of the woods eastward, towards Rat Portage and the Lake of the Woods, along what is known as Section 14, through which a railway track has been for some time laid, and over which trains have been running, transporting materials and supplies.

The transportation of ties and material, got out in these localities by railway trains, become a necessity; and firewood for the engine was a means for the accomplishment of the end.

From the evidence, it appears that Watts & Welch were engaged as foremen, or in some other capacity employed, either as foremen and agents, or as sub-contractors, by the defendants, to get out ties, wood and other material for the purposes of his contract, along and adjacent to the line of the Canadian Pacific Railway, where the track was already laid, and trains running eastward from St. Boniface and through the Section 14.

These operations were commenced by the defendant, through Watts & Welch, early last autumn, and continued through the winter.

Camps were established, and men employed and set to work. Watts & Welch were at the head of these operations, and had the control and supervision of the work, and themselves engaged laborers, representing that the defendant, as Government contractor, would be responsible for their wages. From the evidence in the case, and admissions made by the defendant himself on the trial, Watts & Welch are not men of substance, means and capital enabling or qualifying them to afford the proper security to employees; nor of moral standing and character to inspire confidence to labor; and it is quite certain that the laborers employed by, and under them did not work on the credit and reputation of Watts & Welch, but on the faith, credit and reputation of the defendant, the Government contractor.

What was the real and undisclosed arrangement between Watts & Welch and the defendant we do not know. The defendant on his examination in his own behalf did not state, nor did he produce Watts & Welch or either of them as witnesses or witness on his behalf, to state what in fact the arrangement was.

I gather, from the evidence of Mr. Brooks, the paymaster and book-keeper of the defendant, that from time to time, supplies were furnished by the defendant for the camps of these employees at which the men lodged, and boarded at the normal rate per week, which was deducted from their wages; and that from time to time, Mr. Brooks went down where the work was going on and made inspection and paid the men. It also appears that, occasionally, the defendant himself went down. It is quite certain the defendant kept a watchful supervision, as it was proper he should do, over all his operations in that quarter.

It appears the wages of the men were running in arrear, of which fact it is but fair and reasonable to infer the defendant, through his paymaster and book-keeper, had notice and cognizance; and when, at last, the men insisted on being paid, they were for the first time informed that the defendant was not responsible for their wages, although he had received the fruits of their labor, but that Watts & Welch were alone responsible, and that Watts & Welch had already exhausted, and in fact had overdrawn their account with the defendant; but this allegation of fact was denied by Watts & Welch; and in the case of the present plaintiffs, they gave them a memorandum in the form and words as following:—"Received from Bell & McDonald 1,830 ties at 12½ cents per tie; 12 cords of dry wood and 50 piles, in all making the sum of \$237, less amount for plant and provisions, \$104, leaving a balance due Bell & McDonald of \$133; Mr. Ryan will please settle this out of Watts & Welch's account."

26th March, 1880.

WATTS & WELCH,  
Per J. A. WELCH.

The plaintiffs presented this memorandum to the defendant and demanded payment.

The defendant denied liability, and said he had no funds in his hands of Watts & Welch with which to pay this order.

The plaintiffs bring this suit. Can they recover?

By clause 10 of the defendant's contract, the defendant is bound to keep a foreman at the head of each department of every separate and isolated part of the works carried on under the contract, who is to be the lawful representative of the contractor and to have authority to bind the contractor in all matters within the scope of his employment. I think it unquestionable the works carried on by Watts & Welch were within the works contemplated in the contract, and I draw, as inference of fact, that they were the foremen of the defendant who is bound by what they did within the purview and scope of such foremen. The employment of the plaintiffs in the work in which the foremen were engaged was quite within the scope of that authority, and the defendant is bound by their act.

The only way that defendant can escape this conclusion is by setting up that Watts & Welch were sub-contractors under him. But he cannot set up this defence, for section 17 declares that the defendant shall not make any assignment of his contract, or any sub-contract, for the execution of any of the works thereby contracted for; and a forfeiture of future payments to him from the Crown and of the entire contract is a condition of a breach of this stipulation.

As between the defendant and Watts & Welch, the latter may have been sub-contractors under him. With that relation, in so far as they are concerned, the outside world is perfectly indifferent; but when that relation is attempted to be set up by the defendant to evade responsibility of wages earned in the execution of works for which he is paid by the Crown, it cannot escape criticism. In all such cases I am inclined to think the Court will construe the relation, which the Government contractor may contend to be that of contractor and sub-contractor under him, into that of principal and foreman or agent, and hold the Government contractor bound by the acts of the foreman or agent within the scope of his employment.

If, therefore, in the present case, Watts & Welch were the foremen or agents of the defendant, there can be no question of the right of the plaintiff to recover what they claim, as the amount is admitted; and equally may they recover even though as between Watts & Welch and the defendant the foremen were the sub-contractors of the latter, for as to the plaintiffs they were principals and agents.

Clause 20 of the contract shows what solicitude there is on the part of Her Majesty's Ministers that the wages of all employees should be faithfully and promptly paid; since there is in that clause an express reservation to Her Majesty of the right at any time to step in and pay all arrearages of wages and charge them over against the contractor, who is bound at once to repay the same to Her Majesty.

In conclusion, I remark that the laborers under contractors on Government works must be paid, whether directly employed by contractors or indirectly through sub-contractors, provided their labor is expended on works let to them by the Crown. All laborers on such works, by whomsoever retained, have hitherto been paid, if not by the contractors, by the Crown. Aside from all other considerations, all experience teaches that prompt and honest payment of the wages of employees, is most advantageous to contractors, and is the highest expediency. An evasion of payment, through the artifice of irresponsible sub-contractors, is a lasting and irreparable injury to every employer of labor, a violation of a principle of natural justice, and a reproach upon Her Majesty and her Crown. On Government public works, these strifes and contentions between the contractors and the employees who have with confidence expended their toil and labor upon them, must be stamped out. Already they have raised the price, and diminished the efficiency of labor, and thereby greatly embarrassed the straightforward and upright contractor. If they are permitted to continue, in view of the large public works which are now only commenced in the North-West, the consequences may prove serious, if not disastrous.

Courts have, comparatively speaking, but little power over the wrongs to which I have adverted, for few of the wronged can carry on a litigation to an issue in vindication of their rights against influential and powerful antagonists; and many, as a consequence, abandon their claims altogether. But these contractors may take warning as to the light in which labor claims will be viewed when they are brought before the Court. The rule is that the honest laborer must be paid; and it will be difficult for contractors, before a jury, successfully to take shelter behind an irresponsible sub-contractor.

Judgment was given for the plaintiffs for \$133.76.

Mr. Wood for plaintiffs; Mr. Blanchard for defendant."

I must confess I was not a popular judge with railway contractors.

On the 2nd of April, 1880, William B. Sinclair recovered against Joseph Whitehead a judgment, in the Court of Queen's Bench for the Province, for \$5,814.33 for carrying freight for Whitehead to and along his contract of railway work on section 15 of the Canadian Pacific Railway. It appears that in the month April, a garnishee order was obtained by Sinclair, through Biggs and Wood his attorneys, upon Manning, McDonald & Co., to pay to Sinclair what money or debt they owed to Joseph Whitehead, not exceeding the amount of Sinclair's judgment against Whitehead—the amount of such indebtedness from Manning, McDonald & Co. to Joseph Whitehead, not being then, as Manning, McDonald & Co., alleged, fully known, but they were with all convenient despatch, to ascertain the amount of that indebtedness and pay it over to Sinclair. This order was made on the 20th April, 1880.

Subsequent to this order, another attaching order was, in the case of Cooper, Fairman *et al.* vs. Whitehead, Fraser and Grant, served on Manning, McDonald & Co., attaching any indebtedness from them to Whitehead, Fraser and Grant, the former was, by the attaching order of Sinclair, payable to him, the latter was payable to Cooper, Fairman & Co.

The first time this matter came under my notice so as to be remembered was in the month of October, 1880. It was then made to appear that Biggs & Wood, the solicitors of Sinclair, and who also for some time previous, had been acting as the solicitors for Manning, McDonald & Co., were being pressed by Sinclair for the payment of the money on his judgment, due to Whitehead from Manning, McDonald & Co., which had then been standing some six months, for Manning, McDonald & Co. to make up and determine what they owed to Whitehead, but which they had from several causes, as they alleged, been unable to do. It seems that then they were told peremptorily it must be done without any further delay. They then made up the accounts, and made the entire indebtedness to Whitehead alone, and to Whitehead, Fraser & Grant, as a firm, altogether to be the sum of about \$2,000; and these accounts and this sum were verified by affidavit, and they proposed and offered to pay this sum into Court, on an order being obtained from a judge discharging them from further liability; and the Court was to find out and apportion the proper sums to Sinclair and to Cooper, Fairman & Co.; and I was applied to for an order for that purpose, which I declined to make. This was my first personal knowledge, as a judge of the matter. On the 9th of October, 1880, an application was made to me, on affidavit verifying an order on Manning, McDonald & Co. for the payment of the money, and demand and refusal; and I was made to understand that Manning, McDonald & Co. would not pay even into Court the \$2,000 odd which they, by affidavit, contended was all they owed Whitehead individually, and to Whitehead, Fraser & Grant as a firm, unless an order of a Judge was obtained relieving them from all further liability in the matter. I made an order for the entry of judgment against Manning, McDonald & Co., on the garnishee order made for the payment of the money on the 20th April previous; on the garnishee summons judgment was accordingly entered and execution issued and seizure thereunder made, and a stop order and summons was served on the Bank of Montreal and another on Mr. Quigley, the agent of Manning, McDonald & Co. This created a *furor* with Manning, McDonald & Co., many or some of whom were in Winnipeg at the time, and their solicitor Mr. Kennedy, and the Chief Justice was roundly denounced and threats of impeachment,

petition for dismissal and all sorts of things, for doing what, according to law was his duty, and what he could not avoid doing—simply making an order for the entry of judgment on an order for the payment of money, which in fact under the statute might have been done without his order at all.

On the return of the attaching orders and summonses, respectively, on the Bank of Montreal and Mr. Quigley, after considerable discussion *pro* and *contra*, the counsel for all parties agreed upon a consent order, that the garnishee summonses on Quigley and the Bank of Montreal should be withdrawn; that the Sheriff should withdraw from seizure, and the execution be withdrawn upon Manning, McDonald & Co. paying into Court to the credit of the matter, of the judgment of Sinclair, and Cooper, Fairman & Co., \$5,100. In pursuance of this order, the \$5,100 was paid into Court. I ought to mention that counsel agreed between themselves that cost of all proceedings, including Sheriff's costs, &c., should be liquidated at \$75. When signing the consent order, I remarked that before I could give my sanction to that item of the order, I must have some data to go upon. The counsel on both sides said they had noted up the costs and they were satisfied with the amount. Two summonses in Chambers were forthwith thereafter taken out, one by Manning, McDonald & Co., by Mr. Kennedy, for payment out of Court, back to them of \$2,000.

This application was based upon affidavits that they were not indebted to Whitehead, individually, and to Whitehead, Fraser & Grant as a firm, but to about \$2,000—in no event to exceed \$2,400; upon the return of the summons, after hearing argument, I discharged it, the other summons was issued at the instance of Sinclair by Biggs & Wood, for the payment out of Court, what should appear to be due from Manning, McDonald & Co. to Whitehead individually; and this application was based upon certain affidavits. On the return of this summons, for three days, I heard evidence and particularly that of Charles Whitehead, the son of Joseph Whitehead, who was the foreman of his father, and appeared to know all about the accounts; and after a full and most exhaustive examination and argument of the whole matter, for three whole days, I made an order that \$3,039.65 should be paid out of Court to Sinclair, as money in Court owing by Manning, McDonald & Co. to Joseph Whitehead, individually. This order was made on the 20th day of October, 1880, and is the occasion of the charges made against me in this paragraph; and I solicit its remembrance.

Subsequently in Michaelmas term, in November, Mr. Kennedy moved a rule *nisi* upon Sinclair, to shew cause why the order made by myself, ordering \$3,039.65 to be paid out of Court, to Sinclair, should not be set aside, on the ground that it was erroneous—no such sum being rightly payable thereout to Sinclair—motion being supported by many and strong affidavits. I remarked to Mr. Kennedy that I had made the order after very lengthy and careful examination, and I had no doubt of its correctness as far as it went, but I had very strong suspicions that more money still was coming to Sinclair. However, he might at once take an order, referring to the master, to take the whole account; as it was desirable that the matter, about which, there seemed to me, without cause, to be dissatisfaction, should be cleared up and put an end to. He accordingly took his order.

A few days after this order was granted, on the 9th day of November, the issue of Cooper, Fairman & Co., against Manning, McDonald & Co., as to how much the latter owed the firm of Whitehead, Fraser & Grant, came on before me in Chambers to be tried, and after hearing the evidence, Mr. Kennedy, counsel for Manning, McDonald & Co., consented to a verdict for \$1,966.59, and from the disclosures made on the trial, in the evidence, it was quite manifest that quite a further large sum than had been ordered by me to be paid to Sinclair was yet payable to him. I was surprised when I reflected upon the affidavits, Manning, McDonald & Co. had filed. The business of the Court was over and Mr. Killam, counsel for Cooper, Fairman & Co., and Mr. Kennedy, counsel for Manning, McDonald & Co., were talking of the matter. I do not recollect that any other person was present except myself. I joined in the conversation. I recollect I remarked to Mr. Kennedy, I was afraid that there might be some truth in a remark I had heard Mr. Charles Whitehead

make, that John J. McDonald had told him that if he would make these accounts come out all right for them he would give a \$1,000 to him out of the accounts, and that Shields here in Winnipeg had made the same proposition to him. "I am afraid" I said, speaking playfully, "there is some hunkersliding about these accounts." As I have said before, I think no one was present but Mr. Killam and Mr. Kennedy, and it was after the business of Chambers was over and after the issue of Cooper, Fairman & Co. against Manning, McDonald & Co. had been tried and a verdict taken as to the amount by consent. I probably should never have recollected the incident had my attention not been called to the following letter which appears two days after in the *Winnipeg Times* newspaper.

" *A Matter in Chambers.*

"To the Editor of the *Times* :

"SIR,—Having been informed that yesterday the Hon. Chief Justice Wood made from his seat in Chambers before a number of people the following statement: 'There has been some *shinnanigan* about this matter.' I understand from conversation with Charles Whitehead, they, the contractors (Manning, McDonald, McLaren & Co.,) offered to take \$1,000 of this amount and pay it to him. Even Shields the other day made some such offer. They are a nice lot.

"I hope you will allow me, through your columns, to totally deny the statement on which the insinuations are based as the press is the only way of meeting the publicity which must follow such a statement from one so high in authority.

"As regards myself, of late I have had no conversation with Mr. Charles Whitehead with reference to the matter, and any such statement if made by him is false.

" Yours faithfully,

" JOHN SHIELDS.

"Winnipeg, 10th November, 1880."

A wrong turn was given the matter altogether by Mr. Kennedy for what purpose or with what object I did not then at all comprehend, but of course I could not notice it.

On the next day I observed in the *Winnipeg Times* newspaper, the following letter from Mr. Charles Whitehead in answer to Mr. John Shield's letter :

" *A Matter in Chambers.*

"To the Editor of the *Times*.

"SIR,—In your issue of this morning I see a letter over the signature of John Shields in which he quotes some of the remarks of the Chief Justice and denies their truth. I did state before the Chief Justice that Manning, McDonald, McLaren & Co. offered, if I would pass their accounts against my father at their prices, and accept the value they choose to place on my father's account against theirs, to pay to me personally, the difference between the amount thus found due my father and the amount actually due him, which was about \$1,000, and I state the same now; and I further say, that the said John Shields was aware of and party to that offer, and hence the Chief Justice stated only the fair truth.

" Yours truly,

" C. WHITEHEAD.

"November 11th, 1880."

It may suggest itself that I saw Charles Whitehead and got him to write the letter in reply. I did nothing of the kind. I have never spoken to him on the subject one way or the other. I then regarded it as a dispute between Shields and Whitehead with which I supposed I had nothing to do; but subsequent events have led me to believe that Mr. Kennedy and his clients, Manning, McDonald & Co. had a

deep meaning in this, as the sequel will show. But before entering upon that phase of the matter, I think it best, to finish the case, as it is called of *Sinclair vs. Manning, McDonald & Co.*

I never held any examination into the indebtedness of Manning, McDonald & Co. to Joseph Whitehead individually, or to Whitehead, Fraser & Grant as a firm, but on two occasions, one, prior to and on my making the order on the 20th October, 1880, for the payment out of Court of \$3,039.65 to Sinclair, and which was the only occasion on which Charles Whitehead in this case was ever examined by or before me (and shortly after I had made the order, I heard him make the remark as to John J. McDonald and John Shields about the accounts) and the other on the 9th of November, nearly a month thereafter, on the trial of the issue of Cooper, Fairman & Co. against Manning, McDonald & Co., which resulted in a verdict by consent of \$1,966.59; but on the trial of this issue Charles Whitehead was not examined. In short, I never examined Charles Whitehead but once, on or before the 20th October, 1880; some days after that and before the 9th November, I heard Charles Whitehead make the remark about McDonald and Shields.

I make this remark to show the impossibility of the remark which I had heard Charles Whitehead make, for it was not addressed to me, having any influence with me, in determining any matter in controversy between the parties, for no matter thereafter in controversy was determined by me.

On the order of the Court made in Michaelmas Term, the master reported in Hilary Term, that Manning, McDonald & Co. were indebted to Whitehead individually, in the sum of \$3,834.15, which had been garnisheed and was payable to Sinclair in the judgment of *Sinclair vs. Whitehead* \$794.50 more than I had ordered to be paid by my order of the 20th October, and against which this reference to the master was an indirect appeal; no motion was made against, or exception taken to, the report. The Court therefore, ordered that this additional sum of \$794.50, together with the costs of reference, should be paid out of Court to Sinclair.

In this matter Manning, McDonald & Co., after having had six months to prepare their accounts, commenced swearing, and procured their accountants and bookkeepers to swear, that they were not indebted to Whitehead, individually, and to the firm of Whitehead, Fraser & Grant, but to about \$2,000; and they were indignant because the Chief Justice would not (as, in fact, he could not) accept their sworn statement of the fact, and make an order discharging them altogether, on their paying that sum into Court, to be by the Court distributed to the parties entitled to it; and they threatened all sorts of representations, as they said, to Sir John A. Macdonald and the Government, against the Chief Justice. It, in fact, became a question whether railway contractors could over awe the judges of the Court or not. In my simplicity I told them they would have to submit to the laws of the land, and decrees and orders of the Court, although they were Government railway contractors, and had powerful influence at Ottawa; and the law had its course. Instead of \$2,000, the sum to which they had sworn, they were found to be indebted to Whitehead, Fraser & Grant in \$1,966.59, to Whitehead, individually, in \$3,834.65, making in all for debt alone \$5,801.24.

After such an exposure, as they thought, all through the obstinacy and tyranny of myself, they, as it seems, for they decline now to disown it, availed themselves of Mr. Clarke, to put this ninth dishonest and false paragraph into his petition.

I make this latter statement partly on information, the authority for which I am not at liberty to disclose, and partly on inference, the ground for which I will now state.

On receiving a copy of the petition from the Honorable Secretary of State, I noticed the ninth, tenth and eleventh paragraphs with surprise; and at first thinking Mr. Clarke had taken liberties in the legal affairs of Manning, McDonald & Co., which, for their own credit, it seemed to me, they had better let rest in silence, and knowing that their solicitor, Mr. Kennedy, knew all about the matters that the ninth and tenth paragraphs set forth, and that the easiest way to meet them was to get his denial of them as charged.



I wrote to Mr. Kennedy a letter, of which the following is a copy:—

“ WINNIPEG, 15th June, 1881.

“ DEAR SIR,—(1) In consequence of certain erroneous reports which have been made in respect of the matter, *Sinclair vs. McDonald et al.*, in which you were the solicitor and attorney for the garnishees, in October, 1880—‘That I had taken unsworn statements of persons on the street as evidence in the matter, and gave them more credence than the sworn testimony of witnesses in Court, and that I was exposed, in the public press, for so doing,’—I have to ask you to state to me whether or not there is any truth or any foundation for the charge.

“ (2) I am also charged with ‘gross injustice and partiality against the defendants in the case of *Hogan vs. Pitblado et al.*, in preventing the defendants from having any chance of appealing from my decision, by preventing the shorthand reporter, Mr. Caldwell, from taking down the evidence given on the trial, the defendants having only my notes of the evidence to rely upon, which are assumed to be incorrect and defective.’

“ Will you be good enough, as you were the counsel for the defendants in moving and arguing the rule *nisi* for a new trial, in this cause, to inform me if there is one word of truth in this whole charge.

“ (3) It is said that I ordered the plaintiffs, in *McAdams vs. McDonald et al.*, to be summoned on the same day that I made the order, to appear and answer the demand of the plaintiff at 11 o'clock in the forenoon, in October, 1879, and at 11 o'clock, in defiance of all law and usage, I gave judgment against the defendants.

“ I have no knowledge of this matter at all, but of one thing I am certain, that under the ‘speedy trial’ clause in the County Courts Act, I never, knowingly, in any case, made such an order. If any such occurrence took place, as the papers on file in the clerk’s office will show, as possibly in the numerous cases of that kind then passing the Court, a mistake may have occurred through an oversight, without its having been brought to my notice—kindly, shortly state the facts; and please inform me if it was my mistake or that of the bailiff, or of the defendants overlooking the summons.

“ I think you owe it to me and to yourself to favor me with an explicit statement on these several matters.

“ Be good enough to let me have an early reply,

“ Yours truly,  
“ E. B. WOOD.

“ THOMAS KENNEDY, Esq., Barrister, &c., Winnipeg.”

I caused this letter to be placed in the hands of Mr. Kennedy on the 16th June last, but receiving no reply, on the 27th of the same June, I wrote to him as follows:—

“ WINNIPEG, 27th June, 1881.

“ DEAR SIR,—Referring to my letter to you of the 15th inst (which has slipped your memory), be good enough to let me have a reply to-day, or to-morrow at farthest.

“ Yours truly,  
“ THOMAS KENNEDY, Esq., Barrister, &c., Winnipeg.” “ E. B. WOOD.

And yet receiving no reply, I, on the 6th July, again wrote him the following note:—

“ WINNIPEG, 6th July, 1881.

“ DEAR SIR,—Will you be good enough to inform me whether or not you intend to answer my letter to you of the 15th ult., nearly a month has elapsed; I am yet without a reply. It seems inexplicable.

“ Yours truly,  
“ THOMAS KENNEDY, Esq., Barrister, &c., Winnipeg.” “ E. B. WOOD.

It is now the 20th of July, and I am even now without so much as an acknowledgment of the letter or subsequent notes, although I had each placed in Mr. Kennedy's hands. His conduct was so extraordinary that I spoke to Mr. Justice Miller, and explained to him the facts, and knowing him to be familiar with Mr. Kennedy, I asked him if he would see him and get an explanation of his conduct. He said he would do so. I afterwards understood from Mr. Justice Miller that he had seen Mr. Kennedy and asked an explanation; and that Mr. Kennedy had informed him that he had sent the letter or a copy of it to his clients, and to Toronto and Ottawa, or Toronto or Ottawa, and that he had been instructed not to answer it. At this I was astonished. In the letter I asked from Mr. Kennedy but questions of fact, which, from the records of the Court, and from his own knowledge, he could answer but one way, and which I thought alone concerned myself. The conduct of Mr. Kennedy in this matter, coupled with other circumstances, I submit reasonably leads to the inference and conclusion, that Manning, McDonald & Co., and Mr. Kennedy, as their solicitor, have at least furnished the matter of the Sinclair garnishment, in this 9th paragraph, of *Hogan vs. Manning et al.* as it is called, but it should be *Hogan vs. Pitblado et al.*, in the 10th paragraph, and of *McAdams vs. McDonald et al.*, but should be *Black vs. McDonald et al.*, in the 11th paragraph, of the petition, respectively mentioned, out of which the tissue of transparent falsehoods in these paragraphs has been manufactured, and now when these gentlemen are brought face to face with these vile concoctions, and are challenged as to their accuracy, they retrace their slimy course and are silent! Honorable men! All honorable men!

I will now proceed to an examination of paragraph 10 cognate to, and coming from the same source as, paragraph 9.

But, before leaving this paragraph, let me remark that Manning, McDonald & Co. complain that, although they had sworn as strongly as they could, that they were not indebted to Whitehead individually, and Whitehead, Fraser & Grant jointly, but in about \$2,000, and upon their affidavits, asked me to make, on payment of that sum into Court by them, an order discharging them from all indebtedness to Whitehead individually, and to Whitehead, Fraser & Grant, as a firm. I would not make the order, but told them they could pay into Court what sum they liked, but nevertheless, the true indebtedness would have to be investigated. The consequence was that they had to pay, instead of \$2 000, the sum they swore was the true indebtedness, \$5,801.24, proved, demonstrated and, as a consequence, admitted to be the real and true indebtedness.

I must confess I did not think it possible for human nature to be so depraved as to make an attack of this kind in such a matter upon a judge. It would really seem they must have had encouragement on some other ground than the merit of complaint.

As a specimen of the kind of swearing there was in this matter to begin with, I send a copy of an affidavit made by John J. McDonald, hereto annexed.

*Affidavit of John J. McDonald.*

Messrs. Manning, McDonald, McLaren & Co., in account with Joseph Whitehead, or Whitehead, Fraser & Grant.

*Dr.*

December 1st, 1879.—To amounts for goods and delivered to them ..... \$ 2,343 90

*Cr.*

March, 1880.—By Balance as per amount..... 146 34

To balance, due as per affidavit..... \$ 2,197 56

(COPY.)

*In the Queen's Bench.*

W. R. Sinclair, plaintiff, vs. Joseph Whitehead, defendant, and Alexander Manning, John J. McDonald, Alexander McDonald, Peter McLaren, James Shields, and James Isbister, garnishees.

I, John J. McDonald, of the City of Winnipeg, in the County of Selkirk, contractor, one of the above named garnishees, make oath and say:—

(1.) The above garnishees are indebted to the above named defendant Joseph Whitehead, or to the firm of Whitehead, Fraser & Grant, in the sum of two thousand one hundred and ninety-seven dollars and fifty-six cents.

(2.) The paper writing hereto annexed marked "A" correctly and truthfully shows the accounts between the garnishees and the said Joseph Whitehead or Whitehead, Fraser & Grant, as I believe, and the sum admitted as the balance due by the said garnishees to the said Joseph Whitehead or Whitehead Fraser & Grant, that is to say: Two thousand one hundred and ninety-seven dollars and fifty-six cents, is the sum due and payable by the said garnishees to the said Joseph Whitehead or Whitehead, Fraser & Grant, at the time of the service of the garnishee stop order aforesaid except as hereinafter mentioned.

(3.) Subsequent to the service of the garnishee stop order aforesaid, Messrs. Cooper & Fairman causes another to be served on their behalf, claiming the said money so due by the garnishees to the said Joseph Whitehead, or Whitehead, Fraser & Grant, to satisfy a judgment obtained by them against the said Whitehead, Fraser & Grant, and are now prosecuting an action against the garnishees in respect thereof, and the said money is also claimed by one Murdoch McKinnon, in pursuance of a debt owing to him by Whitehead, Fraser & Grant, a garnishee stop order, for which was served on the garnishees prior to the one of Cooper & Fairman.

(4.) The said sum so due by the garnishees to Joseph Whitehead, or Whitehead, Fraser & Grant, being in controversy between the herein plaintiff and Messrs. Cooper & Fairman and the said McKinnon, is desired to be paid into Court for distribution as the Court may deem fit and proper.

(5.) On the Eighth day of April last, I paid the said Joseph Whitehead the sum of four hundred dollars.

Sworn before me, at the City of  
Winnipeg, in the County  
of Selkirk, this 11th day  
of September, 1880.

Ed. P. LEAGOCK,

JOHN J. McDONALD.

A Commissioner in B. R., &c., Selkirk.

## CHAPTER X.

### *Observations on Paragraph Ten of Mr. Clarke's Petition.*

"That said Hon. E. B. Wood was guilty of gross injustice, and particularly towards the defendants in the case of Hogan vs. Manning *et al.*, in which case the plaintiff is represented by the said Chief Justice's own son and his nephew, Messrs. Biggs & Wood, attorneys and barristers, of Winnipeg, and prevented the defendants having any chance of appealing from his decision, and preventing the short-hand reporter from taking the evidence, so that the defendants had only his, the said Chief Justice's, notes of evidence to rely upon, in a matter involving about \$5,000."

I am charged in this paragraph with "gross injustice and partiality against the defendants, in the case of Hogan vs. Manning *et al.* (it should be Hogan vs. Pitblado *et al.*), in which the plaintiff was represented by the said Chief Justice's own son and his nephew, Messrs. Biggs and Wood, attorneys and barristers, of Winnipeg,

and prevented the defendants having any chance of appealing from his decision by preventing the shorthand reporter from taking the evidence, so that the defendants had only his, the said Chief Justice's, notes of the evidence to rely upon, in a matter involving about \$5,000."

I must request in this connection a perusal of the letter to Mr. Kennedy of the 15th June, 1881, and remarks thereon in my observations on paragraph 9 of Mr. Clarke's petition.

There is no difficulty about this charge: Here we have specific charges:

(1) Biggs & Wood, the one my nephew and the other my son, were the attorneys and counsel for the plaintiff.

This is true, but how I am to be held responsible for that circumstance is not stated, nor do I well see. No misconduct or impropriety is charged in their conduct of the case. But the statement is no doubt introduced that from the fact that the plaintiff's counsel were my nephew and son, an inference of injustice and partiality on my part may be drawn, yet no incident of the trial nor any occurrence in respect of it is mentioned in this connection, whence the inference of injustice and partiality is to be inferred.

(2) I prevented the shorthand reporter from taking the evidence at the trial.

(3) I took away or deprived the defendants of the chance of appealing against the judgment of the Court by imperfect or defective notes of the evidence.

No circumstance or incident is mentioned in this case as evidence of, or as leading to the conclusion of injustice and partiality. Except the fact that Biggs & Wood were counsel for the plaintiff, the preventing the shorthand reporter from taking the evidence, and the imputation but not direct assertion, that I took down the evidence in my notes imperfectly or defectively.

Mr. Kennedy did not act as counsel for the defendants at the trial at *nisi prius*, but Mr. Blanchard acted as their counsel, and the firm of Messrs. Bain & Blanchard were the attorneys of the defendants on the record. The case was tried before myself with a jury at the sittings of the Assizes in February, 1880, and resulted in a verdict for the plaintiffs for \$7,000.

In the following Trinity Term—no Court sitting in Easter Term in consequence of the illness of the Chief Justice—a rule *nisi* for a new trial, or for the reduction of the damages to \$3,000, on the ground that the verdict was against evidence and the weight of evidence contrary to the direction of the Judge and perverse was obtained.

Mr. Biggs opposed the rule and Mr. Kennedy was heard in support of it.

After deliberation the Court gave judgment. It was that "If the attorneys for the plaintiff within one week file with the clerk of the Court a consent in writing, signed by them to reduce the verdict to \$4,000, then the rule *nisi* to be discharged without costs; the attorneys failing to do this, the rule *nisi* for a new trial is to be absolute on payment of costs."

I never heard or had any intimation of any difficulty or embarrassment in or about the evidence at the trial, on the trial, in moving the rule in term, on the argument in term or otherwise however, until I learned it from the petition of Mr. Clarke. The evidence was most carefully taken down at the trial by myself, and I now defy any inaccuracy or defect to be pointed out by any person. It was filed away with the papers in the cause, and was, as is the evidence in all cases freely accessible to all persons interested.

As the Assizes were somewhat heavy, I had at my own instance, induced the Government at this Assizes to employ Mr. Caldwell, a very competent person for the purpose, and a gentleman of high standing, to take a report of the evidence in cases in shorthand, as it would expedite business, and would in the end, more than compensate his charges by the saving in time, of the indemnity to jurors, and the fees and payments to the Sheriff, Constables and other officers of the Court. Mr. Caldwell at this Assizes officiated as shorthand reporter, but never before; and I have not held the Assizes since.

Mr. Justice Dubuc, taking the Assizes last October, and Mr. Justice Miller last March. I recollect on the day the case of Hogan vs. Pitblado *et al.*, came up for

trial. Mr. Caldwell was present at the opening of the Court, and stated that he was obliged to be absent that day, as he had some notes of evidence to extend, which he had taken in a case for which Mr. Justice Dubuc was waiting, and could not well longer delay; and he begged to be excused for that day. I expressed myself as being very sorry, but I suppose it could not be helped. At the time this conversation took place in Court, this case had not been called on, but a case of *Ask vs. Upper et al.*, stood next on the docket, or was fixed for that morning. After Mr. Caldwell had left the Court room, the whole of the conversation with him that I have narrated, having been in open Court, and having been heard by Counsel for the plaintiff and defendants in *Hogan vs. Pitblado et al.*, both of whom were present, it was proposed to take on the case of *Ask vs. Upper et al.* Mr. Blanchard, counsel for the defendants in this case, said he was not ready, owing to the detention of witnesses in the railway cars, blocked up by a severe snow storm, between this and Chicago, who were necessary and material witnesses, and without whom he could not go to trial; but he said he was ready in *Hogan vs. Pitblado et al.* Mr. Biggs, who was the counsel for the plaintiffs in *Ask vs. Upper et al.*, as well as in *Hogan vs. Pitblado et al.*, insisted upon the former case being taken on for trial. After some discussion, it was arranged that the case of *Hogan vs. Pitblado et al.*, should be taken on, and the trial of it was accordingly proceeded with. It occupied the whole day. Now as to my preventing Mr. Caldwell, the shorthand reporter, from taking the evidence, I never heard of such a thing till through Mr. Clarke's petition. So soon as I received the copy of that petition from the Secretary of State I wrote the letter to Mr. Kennedy of the 15th June, set out in my observations on the 9th paragraph of Mr. Clarke's petition (which see) and I also wrote the following letter to Mr. Blanchard:

"WINNIPEG, 17th June, 1881.

"DEAR SIR,—It has been formally reported that in *Hogan vs. Manding et al.*, *Pitblado et al.*, I prevented the defendants from having any chance of appealing against the decision of the Court by preventing the shorthand reporter from taking down the evidence; so that the defendants had only my notes of the evidence to rely upon in the case—which are assumed to have been imperfect and defective.

"You were the sole counsel for the defendants at the trial.

"In justice to yourself and myself I think this charge should receive a formal, explicit denial or confirmation from the only person who really knows the facts, except, perhaps, Mr. Caldwell, the shorthand reporter.

"Be good enough, therefore, at your earliest convenience, to state whether or not there is any truth in, or foundation, in fact, for the report.

"Awaiting your reply,

"Yours truly,

"SEDLEY BLANCHARD, Esq., Barrister, &c., Winnipeg."

"E. B. WOOD.

To which I received the following reply:—

"WINNIPEG, 18th June, 1881.

"DEAR SIR,—In reply to your letter of yesterday referring to the case of *Hogan vs. Pitblado et al.*, I beg to state that (if my memory serves me) no official reporter was present during the trial at the Assizes.

"I understood he was engaged in extending the shorthand notes of other causes tried at the same assizes.

"I have no recollection of having made any objection to his absence.

"I myself took short notes of the evidence, and in the preparation of affidavits I referred to them, so I have never even seen your notes.

"As you are aware, the application in Term was made by Mr. Kennedy, my connection with the case having ceased.

"Under the circumstances I can only say that I have no knowledge whatever of any fact that would justify the charge.

"I am yours very truly,

"Hon. E. B. Wood, Chief Justice."

"SEDLEY BLANCHARD.

I have not written to Mr. Caldwell, nor have I seen him on the subject, but I have been referred to a letter of his referring to this charge, published in the *Manitoba Free Press*, as it appears, soon after the contents of Mr. Clarke's petition were published in the newspapers. I clip it with an editorial sentence of introduction from the *Free Press*:—

#### A LETTER OF MR. CALDWELL.

As a matter of course, H. J. Clarke's manifesto against Chief Justice Wood is rapidly dissolving into its original element of malice and falsehood under the light of investigation. One more of its fabrications is vividly exposed in the following letter:

*"To the Editor of the Free Press:*

"In the petition against the Chief Justice, it is stated that he prevented the shorthand reporter from taking evidence, special reference being made to a suit which came on at the March Assizes last year.

"I have been the official reporter here since the inauguration of the system of taking shorthand notes for the Court, and I state positively that in no instance, either at the Assize alluded to, or before, or since, have I ever been prevented from taking evidence by the Chief Justice or any one else. On the contrary, I have invariably received from his Lordship, and from all the officers of the Court with whom I have been brought into contact, every facility for my work.

"WINNIPEG, March 21."

"W. CALDWELL.

I think this disposes of this charge. But I am not satisfied without proving the utter falsity of the whole charge. How comes Mr. Clarke, who was in no way engaged or interested in this case, to have had a brief made up for him from which he has formulated this accusation, and who made up and handed him that brief? The only reasonable inference is—Manning, McDonald & Co, and their counsel, Mr. Kennedy. (See letters to Mr. Kennedy and remarks on the same in observations on the 9th paragraph of Mr. Clarke's petition.)

Now for the justice of the decision of the Court in judgment, in term, according to law, of *Hogan vs. Pitblado et al.* It is because in that the decision is justice according to law that I am persecuted with charges which could only be invented by the malignancy of friends, supported by lies as black as ever came from Erebus. For myself, I shall now say nothing in respect of the case. I have already spoken as a judge of the Court. I have read the evidence and judgment carefully, and I know it is right and just according to law. I have ordered a copy of the evidence, and a copy of my judgment and that of Mr. Justice Dubuc, to be prepared, and they are now before me. An examination of these papers will show whether or not, if a course like the present one of persecuting judges is to be pursued and encouraged by authority, it will not go far to destroy the independence of the Bench and corrupt the very fountains of justice. The vast importance of the subject in a public point of view has induced me to place on record here the evidence and judgments in this case, and to ask of His Excellency in Council a careful examination. Is the decision right on the evidence or is it wrong?

Are Manning, McDonald & Co. and their counsel Mr. Kennedy to be sharply reproved for their conduct in this matter, or are they to be encouraged and commended.

Notes of the evidence taken by the Chief Justice on the trial of *Hogan vs Pitblado et al.*, at the Assizes.

8th MARCH, 1880. *Hogan vs. Pitblado et al.*

Mr. Biggs for plaintiff and Mr. Blanchard for defendants.

Declaration.—Special Counts. Pleas.—1. Did not promise. 2. Never indebted.

3. Payment.

1st Count.—6 miles at \$1.60 Rockwork and 22c. Earthwork. 2nd Count.—4 miles at \$1.50 Rockwork and 25c Earthwork. 3rd Count.—An agreement to enter into a contract. 4th Count.—Common Counts.

JAMES HOGAN, sworn for plaintiff, says:—

I am the Plaintiff. My place of residence was in Halifax. I now reside in Boston. I am a Nova Scotian. I know the defendants. I am best acquainted with the Defendant Grant. In the latter end of March a year ago, I met Grant and Pitblado in Ottawa. I was looking out for a contract. I had hopes of getting a contract from the contractor Ryan. I was acquainted with him. Grant told me to wait, not to take any contract as he and his partners were expecting to get a contract from Government on the Canada Pacific, and they would give me some work. I waited for some time, a week or so. One morning Grant came to me and told me that he and his partners had got a contract and were going to sign it that day, and he told me to go and see the engineer and profile and pick out such a piece of work as I wanted. I did so. I went to the Engineer's office in the Parliament Buildings and saw and examined profile and copied off six miles on tracing papers. I came back to the hotel and brought tracing and showed it to Grant and Pitblado. They told me to make my figures. I did so, and put them on paper and handed it to Grant and Pitblado. My figures were \$1.60 for rock and 22 cts. for earth. They said it was a little high on rock. They thought the earth about right. This was on section B. It was from station 461 to 777. But they said: "Come on up to the work, we shall trade." I said: No, I would not—that if I did not arrange with them, I would with Ryan—that before I went up, I wanted the matter definitely settled. Mr. Grant said: "Come on, if we do not trade, that is, arrange, I will pay all costs and expenses." Still I refused, and then Mr. Grant said: "It is all right you can have the contract at your figures"; and he told me "to be upon the work by the 15th April; he said he was that night going to Winnipeg and would return home about the 15th or the last of the month; and he said I had better get up before he left to return back. I then told him I was going to write to Henry Rudge of St. Stevens, in New Brunswick to go in with me. He expressed himself pleased at this. I wrote Rudge that night. Rudge telegraphed and wrote me he would go in with me. Rudge met me at Boston, and we both came up here together, and met Mr. Grant in Winnipeg. In the presence of Rudge I recapitulated to Grant the contract I had made with him—6 miles, \$1.60 for rock and 22 cts. for earthwork. He said: "That was all right." The next day Mr. Rudge came to me and said he had been talking with Mr. Grant and Grant did not understand that I was to have \$1.60 for rock. I then went and saw Grant, as I had heard he was going away, and said to him: "What does this mean Mr. Grant, what have you been saying to Rudge as to the price in the contract?" Grant replied "Oh, Mr. Hogan that will be all right." He remarked that McDonald and Pitblado were against giving more than \$1 50; and I said: "Mr. Grant, let us have it straightened before you leave." He said he would meet me at the Grand Central. I went to the hotel, he came there, or I saw him there, but he went upstairs and said nothing to me about the contract. I waited until 10 o'clock, I found he left next morning at 3 o'clock, Pitblado was then here. I went to him. He told me to hold on, McDonald would be up in a short time, and in any event there was a freshet; and the lakes were so high I could not get over them from ice, &c. I waited two or three days and then Rudge came to me and said he did not like the way the thing was working; and I said: "I will quickly settle it." We both went to Pitblado and we each took a chair and sat down to a table at the Grand Central. I said: "Now, Mr. Pitblado, I am going to work or going home. What is the trouble about this work?" Pitblado answered: "The whole trouble is this 10 cents on the rock work. If you will say \$1.50 for rock and 25 cents for earth, you can go on when you have a mind to do so—to-morrow morning if you like." I tried to get him to say \$1 55, so did Rudge. He finally said: "Leave that to me, I will give it if I can" (referring to the assent of his other partners.) He thought 3 cents on the earthwork would compensate the 10 cents on the rock. I agreed to this. I started for the work that evening. Rudge

was no party to this contract. He was, as I understood, to go in with me. I went the first train for the work. I took 4 or 5 men with me. We went 45 miles by train, then by hand car to Cross Lake, and then on foot to Rat Portage, and thence 8 or 12 miles to my work. The west end of my work comes to within about 8 miles of Rat Portage. I selected a place to build a shanty for headquarters on my contract; commenced building it and had it about half done, when Mr. McDonald came along. He said to me: "This is well for you to pick out the best work. You can't have this work. You have got to go up the line further." He spoke roughly. I replied: "No, Mr. McDonald, I am not going up any further. I am agoing to have the work I have contracted for." He then asked: "What kind of a contract did Grant make with you?" I answered: "Mr. Grant and Pitblado will tell you." He told me then to come down to Rat Portage the next day and he would straighten it out in some way. I answered, "All right; I will be there." He said nothing about the work going on. I went on with the work that day. The next day I went to Rat Portage—leaving the men working, five men. At the Portage I saw Mr. McDonald, but had no conversation with him. I met Grant and had a conversation with him. He said McDonald and Fraser were opposed to letting more than two miles. I said: "That will not do me. I will not have any less than the contract." Grant said: "If I cannot carry it out I will pay you all your expenses, coming here and going home." I said that, Mr. Grant, is very fair of you, but it will not pay me. I said I have made arrangements, and it will put me out much if the arrangements are not carried out. He then went away. I was whittling a stick and thinking. He returned—having, as he said, been fighting with his partners—and said: "I will tell you, Hogan, you can have four miles of that work, and I will see that you shall have something to make up for the odd two miles." I said: "Well, Mr. Grant, all I want is my contract or its equivalent." I agreed to this, and I supposed it was all settled; and next morning I asked Mr. Grant to have an Engineer or a man sent up to lay out the work. Before I left in the morning with my 17 men, I went into the office of the defendants to see the profile of the work and line of railway. I saw it; and Mr. Grant or some one interested went in with me. The four miles was to be commenced, as I understood, at a certain point. I then saw on the profile my four miles marked on the plan as commencing at station, I think, 545, and going, I think, to 710 or thereabouts. It was marked with a pencil mark. My name was written on it in pencil. Either then or just before, Mr. Grant told me that my work commenced at the end of Matheson's. I went up, as I have stated, and expected an engineer or some person to show me where I was to clear. But I did not get any word for a week or several days. In the meantime, I sent word down several times, and I think I went down once to see why a man was not sent up as promised. In the meantime I and my men were building shanties and starting a coal pit to burn coal. At last a man came to me and brought a note to me from the engineer. I produce it, filed marked "A," dated 16th June, ordering work from 525 to 625. I then put my men on the clearing work. I then got another note from the engineer, dated 18th June, 1879. Filed marked "B," "Clear line from 540 to 551, 66 feet." I went on with the work as directed. After this the engineer laid out rock and earthwork, and I commenced it and did work on it. I built a large shanty and blacksmith shop at about station 550. I let it for 18 cents per yard and \$1 per yard for rock, which was large boulders, not loose rock. There was about 45,000 yards of earth which I had let at 18 cents, and 300 or 400 yards of rock. I had advanced in establishing these men in shanties, &c., \$300 or \$400. About this time Mr. Rudge came back. He had been home to New Brunswick. He went away the evening of the day I made the last arrangement with Mr. Grant. In the meantime Grant, Fraser and Pitblado had been away, and Mr. Rudge told me that they had sold out. Rudge told me that, when on his way home, he had signed a contract for two miles. A few days after this, a person came to my work and produced a contract prepared, and represented that he came from the new concern with instructions to get me to execute the contract. I told him to read it. He did so, or a portion of it, until he came to two miles. I told him he need not go on any further, as it was not my agreement. I



stated to him what my contract was. After that, I came to Winnipeg, and met Mr. McDonald, one of the defendant's in the City. He said to me: "You are a nice man to let my work. I can let that work for 18 cents as well as you." I asked him what he meant? He answered: "I mean I do not know you at all, I let Rudge two miles, I know nothing about you." I said to him: "I do not understand this. I dealt with Grant, and I do not know or understand it at all." I left him and went and saw Mr. Grant. I told Mr. Grant my conversation with McDonald in substance. I told him that McDonald said he would take the work from me and that McDonald had said he had never let it to me. Mr. Grant said, although he had sold out, my contract was all right. McDonald would have to carry it out. I then saw Fraser, and arranged to meet him at Grant's house that evening. I met Grant and Fraser that evening. We talked over the whole matter. They advised me to go back and go on with my contract. I went back, though under other circumstances I should have gone home for men. When I reached it, I found that McDonald had relet the work, which I had let to the men and had agreed to give them 20 cents for the earth and \$1.40 for the rock, and that they were going on under the contract with him, and repudiated me and the contract with me. It was reported on the work that McDonald had taken all the work from me. I then returned to Winnipeg and saw Mr. Grant, and told him what had been done out on the work. Mr. Grant said: "Surely McDonald has not done that." I asked him to go with me to McDonald. We went. We met McDonald on the street. I introduced the subject, I said I want to see if I can't come to some arrangement about the work. McDonald flew in a passion, and Mr. Grant said: "If I were there," that is—as I understand, on the work, "I would carry out my agreement." We separated without coming to any arrangement. After that I had a talk with Mr. Grant, and he said, all I could do was to bring an action, as he thought, as the contractors who then had the contract would have to be responsible to me, and not he, as he was indemnified. He said he would tell the truth in the matter. I then went to McDonald to see if we could not settle in some way. He told me that from all he knew Grant had made a blunder; and the only thing I could do was to sue—that Grant had got him into one or two losses already and this might be added—that he had \$22,000 in his hands, and they, Fraser and Grant, would have to pay it—that he had a writing to that effect. If there was any contract which they had not fully explained, they were responsible for it. I asked him to leave it to arbitration. He said no; he wanted it to come out of Court, so that Fraser and Grant could not say he had not fought it well as they eventually would have to pay. I then sued. I have made an estimate of the damages I have suffered. I produce statement of same:—

Money expended since I came from Ottawa .....	\$ 475 00
Twelve months loss of time.....	900 00
60,000 yards rock, profit 25 cents.....	16,000 00
45,000 yards earth, profit 7 cents.....	3,150 00
20,000 yards earth, profit 5 cents.....	1,000 00

*Cross-examined by Mr. Blanchard:*

I could have done the rock work for \$1.50. Pitblado heard the terms of the contract. I had all the conversations I have mentioned; nor did I ever state I had not these conversations. Grant never said in Ottawa he, by the terms of the partnership, could not make it (the contract with me) alone, but I think I heard this in Winnipeg. The change in price was made in Winnipeg, with Pitblado. There was nothing said in the contract about clearing. I spoke of it afterwards. My men were paid by McDonald's clerk. I never said to Mr. Blanchard that I never had any conversation with Pitblado on the subject of the contract, that all my conversation was with Mr. Grant.

HENRY RUDGE, sworn for the plaintiff, says:—

I know the plaintiff. On the last of March or 1st of April, 1879, he wrote me saying he had a contract on Canada Pacific Railway to about \$300, 00, and asked me

if I would go in it with him. I said I would go in with him. I met him at Boston and came to Winnipeg. At Winnipeg, we saw Mr. Grant. Hogan said I was going into contract. Grant said it was all right. Next day Grant said he could not close the contract, as it was an agreement between the partners that no one could let a contract to exceed \$1000. Pitblado said the rock was \$1.50, and earth 25 cents.

I went into the office at Rat Portage, and McDonald asked: "What contracts do you want?" I pointed out on the plan, and McDonald wrote at the head of each, "Hogan & Rudge." This was about four miles. I thought the thing was settled. The plaintiff went on to the work, and I returned to Winnipeg and saw Fraser about getting up the contract. The two-mile question came up. I said that I would sign for two miles, and the plaintiff for two miles afterwards. I wrote the plaintiff explaining the matter, and that I was going to New Brunswick and should be back at a certain time. I returned to Winnipeg and went out on the work and explained to plaintiff what I had done, but he did not seem to take the meaning—I mean about the contract. He worked on, I think, till October, and then a new contract came to be signed by the new firm. I did not sign it nor did the plaintiff. It is joint, and only for two miles. After Fraser and McDonald came here, I had a conversation with Pitblado and McDonald at the Grand Central. McDonald said it was all right. I had no thought of the six miles being disputed. I thought the dispute referred to \$1.60 rock work. A man will get out three yards a day; hauling from 5 to 7 cents—wages \$1.50.

## DEFENCE.

GEORGE I. GRANT, sworn for defendants, says:

I am one of the defendants. I heard the plaintiff's evidence. I made no arrangement or bargain at Ottawa with the plaintiff. No price was agreed upon. The plaintiff applied for work, and we wanted work done. I met the plaintiff in Winnipeg. I had seen Pitblado. The articles of partnership were signed at Ottawa, and it was a stipulation that one man could not let a contract—two could let to a certain amount. I cannot speak as to the exact terms. Nothing was said to the plaintiff about it in Ottawa. I think I told the plaintiff, in Ottawa, that we could not let a contract in Ottawa, but we must see the work first. I do not remember speaking particularly about a certain number required to concur in the contract at Ottawa. I, after taking the contract, left for Winnipeg. I saw the plaintiff and Rudge at the Grand Central. I saw them together. I told them I had let no contract. There was no agreement made at that time. Pitblado and myself met the plaintiff and Rudge at the Grand Central. The contract was talked over in Winnipeg. It was let in Rat Portage. \$1 50 and 25 cents. The length of road was two miles to Hogan and Rudge only, and one mile east, and to Matheson's work west—perhaps not quite a mile. This bargain was made with Rudge by myself, McDonald and Fraser. I do not think rock can be got out for \$1.40.

*Cross examined.*—I saw the plaintiff about ten minutes in Ottawa. Berryman gave me a slip of paper, on which were the figures \$1.62 for rock, and 22 earth, as having been made by the plaintiff.

After a careful consideration of what has been said, and an examination of the proofs on the charge of wilfully withholding and perverting evidence on the trial of the cause, and an examination of my notes of the evidence and judgments in *Hogan vs. Pitblado et al.*, in which it is alleged that gross and wilful injustice was done, I think His Excellency in Council will agree with me, that it is almost inconceivable that such a wanton, deliberate and gross outrage could be inflicted upon any man. It surpasses the wildest exaggerations of fiction.

## JUDGMENT OF THE CHIEF JUSTICE.

*In the Queen's Bench.*

Hogan vs. James M. Pitblado, James H. Fraser, George Grant, Alexander Manning, John J. McDonald and Alexander Shields.

This is an action brought by the plaintiff against the defendants to recover damages for breach of contract.

The declaration consists of:—

*1st Count.*—That in consideration that the plaintiff would do and execute for the defendants the rock excavation and earth excavation on a certain portion of the line of the Canadian Pacific Railway, known as section B, and contained within certain stations planted on the line of the said railway and shown the map and plan thereof, being the distance of six miles from one station to another station, according to the plans and specifications, and in manner and in conformity with which the defendants were bound to execute the same for the Government of Canada, the defendants undertook and promised to pay the plaintiff for the performance and execution of the said work, at and after the rate of one dollar and sixty cents per cubic yard for rock excavation and twenty-two cents per cubic yard for earth excavation; and the plaintiff further averred that, in pursuance of the said agreement, he came from the City of Halifax, in the Province of Nova Scotia to the District of Keewatin, wherein the said works is located and entered upon the execution thereof, and to that end engaged laborers, and built shanties, and made all the necessary preparations to proceed with the prompt and speedy execution of the work, and thereby incurred, laid out and expended large sums of money, and spent much time in about the premises; but the defendants, wrongfully and without any just cause, prevented the plaintiff from proceeding with the said work and dismissed him from the same, and refused to permit him to perform the same, and refused to perform the said agreement in this court mentioned on their part—whereby the plaintiff has lost a good deal of time and sustained great damages and lost large profits which he might have made in the execution of the said work; and has lost the opportunity of taking other contracts which otherwise he might have done.

*2nd Count.*—Similar to the first count except the quantity of work embraced in the contract is four miles instead of six miles, and the rock work was to be \$1.50 per cubic yard and 25 cents per cubic yard for earth work.

*3rd Count.*—Sets out that defendants agreed to enter into a contract for six miles of work on the Canadian Pacific Railway at the rate of \$1.60 per cubic yard for rock work, and 22 cents per cubic yard for earth work. The plaintiff averred that in pursuance of the agreement in this count mentioned, he came from the City of Halifax to the place where the said work was to be performed in the District of Keewatin and entered upon the preliminary preparation for the execution of the said work, and employed laborers, built shanties on the said portion of the line of said railway so agreed to be let him by the defendants as aforesaid, and expended and laid out a large amount of money, and spent and lost much time in about the premises in this count mentioned, and in and about the endeavoring to procure and induce the defendants to perform the agreement in this count mentioned on their part, yet the defendants did not nor would perform the said agreement on their part, although the plaintiff was always ready and willing to perform the said agreement on his part of all which the defendant always had notice. On the contrary, the defendants refused to perform the same agreement, and although the plaintiff had entered upon the ground of the said work and had expended the time, labor and money aforesaid in this count mentioned of which the defendants had notice, the defendants put the plaintiff off of the said work and declared that they would not carry out the said agreement on their part—whereby and by means of all and singular the premises, the plaintiff has sustained great damage by reason of the profits he might have made out of the said work, and his thereby having been deprived and prevented of and from taking other contracts which he might otherwise, and would have done.

*4th Count.*—The defendants were indebted to the plaintiff in the sum of twenty thousand dollars for money payable by the defendants to the plaintiff for work and labor done and materials provided by the plaintiff for the defendants at their request and for money paid by the plaintiff for the use of the defendants, and for money

found to be due from the defendants to the plaintiff on accounts stated between them, and the plaintiff claims \$30,000.

Pleas 1st.—Except as to the last count did not promise.

2nd.—As to last—never indebted.

3rd.—As to whole declaration—payment, replication, issue on the defendant's pleas.

This cause came on for trial before us with a jury at the last March Assizes, and resulted in a verdict for the plaintiff for \$7,000.

In this Trinity term the defendants obtained a rule *nisi*, calling upon the plaintiff to shew cause why the verdict obtained in this cause should not be set aside and a new trial had between the parties, or why the damages assessed should not be reduced to three hundred dollars, on the ground that the verdict is against evidence and the weight of evidence, that it is contrary to the direction of the judge and perverse, and that the defendants were taken by surprise.

Mr. Kennedy moves the rule absolute, and in doing so proposes to read several affidavits in support of the motion which had not been filed or put in on motion for the rule *nisi*, and which were in no way referred to in the rule *nisi*. Mr. Biggs, on behalf of the plaintiff, objected to the reading or putting in of these affidavits, inasmuch as he had no notice of them and no opportunity of answering them. The Court ruled that if counsel for the plaintiff objected they could not then be filed or read, but nevertheless the Court would take them and look at them, but that it could not technically give any weight to them as the plaintiff had no opportunity of considering them, or of explaining or answering them.

The argument on the rule *nisi* then proceeded. Mr. Biggs showed cause, and Mr. Kennedy supported the rule.

As to the first ground in the rule I may say, at the outset, that I do not think the verdict is against law and evidence; on the contrary, I think the plaintiff was entitled to a verdict in law according to the evidence.

I do not think there is the slightest ground for saying the verdict is against the weight of evidence, neither was the verdict contrary to the direction of the Judge before whom the cause was tried, and there is no ground nor was any suggested on the argument for saying that the verdict is perverse; had it been for the defendants it might aptly be said to be perverse.

The rule alleges as a ground for new trial, surprise.

Outside of the affidavits which counsel for the defendants proposed to read, as I have mentioned, I fail to find any ground for surprise, except at the amount at which the damages are assessed by the jury, and even looking at the affidavits I cannot see any legitimate ground of surprise. The attorneys of the defendants were, on the 27th day of November, served with the plaintiff's declaration in which his causes of action are particularly set out, except in the common courts, in respect of which the particulars of the causes thereunder might have been had for the asking. It is idle to say that with such a declaration, particularly under the narrative which the plaintiff has given in his evidence, the defendants did not know what they had to meet, and what evidence on their part would be necessary. They say now that they want the evidence of Pitblado.

In the affidavit on file in this cause sworn to on the 26th of December, 1879, and filed on the 27th of the same December, of Mr. Blanchard, the attorney for the defendants, he swears "that the defendants pleaded to the plaintiff's declaration herein on the twenty-fourth day of December instant, and thereupon the plaintiff on the said day joined issue herein and gave notice of trial for the thirtieth day of December instant, at Chambers in Winnipeg aforesaid."

He then goes on to say that it was understood between him and the attorney of the plaintiff that this cause should not be tried till at the next Assizes, which would be in the month of March, otherwise he would have required a jury in his pleas. He then goes on:

"I am advised and believe that the evidence of the above named James M. Pitblado, whose usual place of residence is at Truro, in the Province of Nova Scotia,

is material, and that he is a necessary witness on behalf of the defendants herein, and it will be impossible to procure his presence at the said trial before the said next Assizes, or to procure his evidence to be taken to be used therein before them.

It is true Mr. Blanchard makes an affidavit, one of those not filed, in which he says, from conversations which he had subsequently with the plaintiff, he did not think the evidence of Pitblado material, and hence he did not have him present. Even assuming I can look at his affidavit for the purpose of making out surprise (a thing I think I cannot do for the plaintiff, if he had notice of the affidavit, might deny or explain it away altogether). I do not think in the face of the pleadings anything that the plaintiff might say to him of this kind could be construed into surprise, such surprise as a Court can take cognizance of. The plaintiff, in his evidence on cross-examination, in answer to Mr. Blanchard's questions, pointing probably to this very matter, says "Pitblado heard the terms of the contract." I had all the conversations I have mentioned; nor did I ever state that I had not those conversations." If in his evidence on the trial, the plaintiff, in saying he had certain conversations with Pitblado, stated that which he had previously stated to Mr. Blanchard was not the fact, why did not Mr. Blanchard go into the witness box and contradict him? He might as properly do that then as now, to make an affidavit contradicting the plaintiff, with or without the affidavit. I fail to see any surprise, as to the evidence of the plaintiff, in respect to the part Pitblado had in the contracts set out in the declaration.

It may be said that it was a surprise that the defendant, John J. McDonald, was not present at the trial to give evidence on behalf of the defendants, from the affidavit of John J. McDonald proposed to be read by counsel for the defendants, on moving the rule absolute, it appears that he thought it to his interest to absent himself from the trial and be in Ontario. It is superfluous to say that he offers no valid excuse whatever for not being present at the trial. It is too much to expect that Courts, for such reasons as he gives, can grant a new trial, to see what would be the effect of his evidence upon issues raised, when he had every opportunity of being present and giving his evidence. Courts cannot permit experiments of this kind.

Perhaps a solution of the reason John J. McDonald was not present at the trial may be found in the plaintiff's evidence. He says: "I found that McDonald had re-let the work which I had let to the men, and had agreed to give them 20 cents for the earth and \$1.40 for the rock, and that they were going on under the contract with him, and repudiated me and the contract with me. It was reported on the work that McDonald had taken all the work from me. I then returned to Winnipeg and saw Mr. Grant and told him what had been done on the work. Mr. Grant said: 'Surely McDonald has not done that.' I asked him to go with me to McDonald. He went, we met McDonald on the street. I introduced the subject. I said I want to see if we cannot come to some arrangement about the work. McDonald flew into a passion, and Mr. Grant said: 'If I were there (that is, as I understood, on the work.) I would carry out my agreement.' We separated without coming to any arrangement. After that I had a talk with Mr. Grant, and he said all I could do was to bring an action, as he thought as the contractors who then had the contract would have to be responsible to me, and he would not, as he was indemnified. He would tell the truth in the matter. I then went to McDonald to see if we could not settle in some way. He told me that from all he knew, Grant had made a blunder—that Grant had got him into one or two losses already, and this might be added—that he had \$22,000 in his hands, and they (meaning Fraser & Grant) would have to pay it—that he had a writing to that effect. If there was any contract which they had not fully explained they were responsible for it. I asked him to leave it to arbitration. He said, 'No,' he wanted it to come out of court, so that Fraser & Grant could not say that he had not fought it well, as they ultimately would have to pay. I then sued."

Mr. Grant, although examined on the trial for the defendants, is not asked nor does he say a word about all this. In fact, Grant does not contradict the plaintiff in any material part of his evidence, which is, in many of its parts, corroborated by the evidence of Mr. Rudge.

I have no doubt of the substantial accuracy of the whole of the plaintiff's evidence. It had in Court, and has now when I read it over, the air and impress of sincerity and truthfulness. At all events, if the defendants could contradict or controvert the plaintiff's evidence, and desired to do so, they had abundance of time after issue was joined after it was understood the case would come on for trial at the March Assizes—more than two months to prepare and to be present at the trial and give their evidence—and not having done so they must abide the consequences.

On the whole, I am disposed to think that I cannot say the verdict is against law or evidence; or is contrary to the direction of the judge before whom the cause was tried; or is perverse; or that the defendants were taken by surprise.

The last ground of the rule remains, that the damages are excessive.

Regarding the evidence, and all the circumstances in evidence disclosed on the trial, I am not surprised at the amount of damages assessed by the jury. From the evidence, it does not appear that the plaintiff was fairly dealt with by the defendants. The plaintiff had spent well nigh a year in and about the contract; he had expended considerable money and labor in preparations for executing the work, without any compensation whatever; he was put off the contract, and the work taken out of his hands, and for what reason? for no imaginable reason, except that the defendants saw, or fancied they saw, that by the prices at which he was to do the work, he would make a large profit. None other can be suggested.

I directed the jury, "that, as a rule, a plaintiff could not claim as compensation, for the breach of a contract, profits which the plaintiff might have made if the defendant had not made a breach of his contract; nevertheless, there were many cases in which the profit to be made by the bargain is the only thing in contemplation at the time the contract was made, and in such cases it was proper to take that profit into consideration in estimating damages. In the case before them, the plaintiff undertook to execute certain work for the defendants at certain prices (if they found there was a contract in respect to which, on the evidence, there seemed to be no doubt), the profit and advantages to flow to the plaintiff, as the direct and immediate fruits of the contract, were part and parcel of the contract itself; such a case as the plaintiff's does not come under that class of cases, in which the profits and gains derivable from a contract are uniformly withdrawn from a jury as being too remote, uncertain, contingent and speculative, as not the natural and reasonable consequence of the defendant's breach of contract; on the contrary, in the plaintiff's case the profits and gains constitute a portion of the essence of the stipulations, the right to which cannot be questioned.

"The question is—and it is a most serious question—are the jury satisfied that by reason of the conduct of the defendants in putting the plaintiff off the work, and terminating the contract, the plaintiff was thereby deprived of profits and gains? No loose evidence will justify them in giving damages on this footing. The jury must be satisfied beyond all reasonable doubt, that the plaintiff has been deprived of such profits and gains, before they can allow anything to the plaintiff on this score.

"If they find that the contract was made, that in pursuance of that contract the plaintiff entered upon the execution of the work, and that he was, without any excuse whatever, except that given by McDonald, when he said to the plaintiff: 'You are a nice man to let any work; I can let that work for 18 cts. as well as you; I mean I do not know you at all'—put off the work, and out of the contract, they were entitled to give to the plaintiff the direct, natural and reasonable damages, which, upon the whole evidence, they should think the plaintiff had sustained by reason of the wrongful conduct of the defendants."

No exception was taken to the charge to the jury; nor was objection made to it on the motion for the rule *nisi*; nor is it to be found in the rule *nisi*, which, after considerable discussion, counsel for defendants were permitted to frame, as it suited him, although not by the approbation of the Court; nor was any exception taken to the charge on the argument, or to the way and manner in which the case was left to the jury.

The jury assessed the damages at \$7,000.

On going over the evidence carefully, in the light of subsequent events, although at the time I thought the damages reasonable, I am distrustful as to whether they may not be too much. It is true, excluding profits altogether, there was about a year's time spent by the plaintiff on and about the work, and considerable money necessarily laid out for his personal expenses, and for the purposes of his contract, in building shanties, &c., and in supplies and outfit for the work; yet I think the estimate of \$7,000 for these too much.

I think some allowance must have been made by the jury for profits on the work; and I myself am in doubt how much, if any, that should be.

The plaintiff, as was stated on the agreement, immediately after the trial went home to the East, and it would be difficult for him to return to this Province to attend another trial of this cause. I believe this to be the fact.

Under all the circumstances, I think the plaintiff must reduce his verdict to \$4,000, or a new trial must be granted upon payment of costs.

If the attorneys for the plaintiff, within one week, file with the Clerk of the Courts consent in writing, signed by them, to reduce the verdict to \$4,000, then the rule *nisi* is to be discharged without costs. The attorneys failing to do this, the rule *nisi* for a new trial is to be absolute on payment of costs.

JUDGMENT OF MR. JUSTICE DUBUC.

“ *Trinity Term, 1880.*

“ *Hogan vs. Pitblado, et al.*

“ I do not think that the verdict should be set aside because the plaintiff is certainly entitled to some damages for his loss of time and expenses incurred in building shanties, and working on the excavation. His loss of time on the line, and waiting in Winnipeg alone would amount to a fair sum. He should also be entitled to be compensated for profit he has lost in having his contract taken from him. Taking everything into consideration, we thought that \$4,000 would be a fair compensation. If the plaintiff thinks it is not enough, he may have a new trial.”

## CHAPTER XI.

### *Observations on the Eleventh Paragraph of Mr. Clarke's Petition.*

“ That said Hon. E. B. Wood, in his character of Judge of the County Court of Manitoba, illegally and deliberately caused to be summoned McDonald *et al.*, in the case of McAdams vs. McDonald, *et al.*, at 11 o'clock in the forenoon of a certain day of October, 1879, and in defiance of all law and usage gave judgment against the defendants, and caused an execution to be issued against said defendants before one o'clock in the afternoon of same day, and the bailiff of the County Court was in the act of removing the defendant's safe from their office within three hours after the pretended service of the summons to appear, thereby very seriously damaging the credit and standing of the firm of McDonald, Manning & Co., who were and are contractors for section 16 of the Canadian Pacific Railway.”

I am charged, in this paragraph, while acting as Judge of the County Court for the County of Selkirk, “ of illegally and deliberately causing to be summoned, Manning, McDonald & Co., at 11 o'clock in the forenoon of a certain day in October, 1879, and in defiance of all law and usage, gave judgment against the defendants, and caused an execution to issue against the said defendants before one o'clock in the afternoon of the same day; and the bailiff of the County Court was in the Act of removing the defendants' safe from their office within three hours after the pretended service of the summons to appear—thereby, very seriously damaging the credit and standing of the firm of Manning, McDonald & Co., who were and are contractors for the construction of section 16 of the Canadian Pacific Railway.”

Notwithstanding Mr. Clarke's assertions to the contrary, there is nothing illegal or contrary to usage in the whole of this paragraph. By the County Court's Act, passed 25th June, 1879, 42 Vic., Chap. 1, Sec. 62, Consolidated Statutes of Manitoba, Chap. 34, Sec. 62, the latter part of the Section reads thus:—"And on application, a Judge in Chambers may, with or without notice to the opposite party, as he shall see fit, in a proper case being, in his judgment, made therefor by the plaintiff or the defendant, order that any action, issue or matter pending in any County Court, shall be tried or heard and determined by a Judge in Chambers at any time or place he shall appoint for that purpose; at which time, or at such time and place as the same may be adjourned or postponed to, the said cause, issue, or matter shall be tried, heard and determined as in any ordinary trial or other disposition of the same Court, and have the same force and effect as if done at a regular sitting of the said Court."

Prior to the County Courts Act of 1879 as early as 1876 this has been the statutory law of the County Court in this Province; and it has proved itself, as matters are in this country, a most useful and salutary provision; and this is the first case in which I have ever heard any exceptions taken to its operation.

Under this Statute, it is quite competent for a party, plaintiff or defendant, in a cause in the County Court, to apply *ex parte* to a Judge, in the morning, for an order for the trial of the cause at any hour on that day, or at any hour on any future day; and quite competent for the Judge to make the order; and at the time appointed, if the order has been served, to try, hear and determine the cause, issue or matter. But the Legislature, in passing the Statute, assumed that Judges, as well as other men, possess, and in their judicial action would exercise, common sense; and, I think, in this Province the Legislature has not been disappointed in that assumption. Under the Statute, I have never yet made an order for the trial of a cause on the same day—I give two, three or four days or more, depending upon the whereabouts of the parties and the apparent ease or difficulty in procuring the attendances of witnesses; and if at the time appointed the parties are not ready, I adjourn the case to a future day, as is, in my opinion, demanded by the exigency of the circumstances and the justice of the whole case; and, in so far as I know, this has been the practice of my brother judges. It is said: "There should be reason in all things;" and I am of that opinion. I think in the cases in which orders are made under the Statute I have cited, the party to the action, whether plaintiff or defendant, should have reasonable notice, consistent with the spirit of precipitancy and expedition implied in the enactment. I am now prepared, not in its letter, but in its spirit, to discuss the charge made against me; for, although it is put by Mr. Clarke, the proceedings are strictly within the Statute, yet it would be, on my part, a great abuse of discretionary power, and a violation of the spirit of the Statute, wilfully and deliberately to do what I am charged with.

On examining the papers (and before examining them, I had not the most distant remembrance of the case; or any of the circumstances), I find a writ of summons in the County Court of Selkirk, issued on the 7th day of October, 1879, at the suit of D. C. Black against John James McDonald, Alexander Manning, Peter McLaren, James Shields and John Isbister, on which is an endorsement of claim by the plaintiff—"To amount due the plaintiff for labor performed on section 16, C. P. Ry. under D. C. Archibald and C. S. Archibald, \$25.55." To this writ of summons, I find attached an order made by myself in these words:—

"D. C. Black, plaintiff, vs. J. J. McDonald, Alexander Manning, Peter McLaren, James Shields and John Isbister Defendants.

"Upon the hearing of the plaintiff, I do order that the defendants do appear before me at Chambers, in the Court House, in the City of Winnipeg, on the ninth day of October instant, at the hour of eleven o'clock, a.m., at which time and place I shall proceed to hear and try this cause "pursuant to the Statute—of which the plaintiff and the defendants are to take notice, and to be present with their witnesses, respectively. Dated at Chambers, at the Court House, in the City of Winnipeg, this 7th day of October, 1879. Signed, E. B. Wood, C. J."



It appears from the papers, by affidavit of the bailiff attached to the order and writ of summons, that the bailiff did, on the ninth day of October, 1879, personally serve copies of the writ and judge's order, with the the warnings, &c.—“by delivering to and leaving the same with John Shields, one of the said defendants (as it is in the affidavit alleged), at the Canadian Pacific Hotel in the City of Winnipeg,—the rest of the defendants (as he was informed and believed) being without the jurisdiction of the Court.” I have no recollection of any of the incidents of the trials, except as my memory is refreshed from the papers, but Mr. Marston, the Clerk of the Court, seems to have quite a distinct remembrance of all that occurred.

According to his account of the matter, I postponed the case till all the other cases that were before me were disposed of, and at about 12 o'clock, noon, I took on this case; and that it was represented to me by him and the bailiff that one of the defendants had been personally served at not later than eight o'clock in the morning, and as the plaintiff, a poor and distressed man, was there waiting in Court, I finally, at the last moment, took the case on. As I said before, personally I have no recollection of the matter. How could I have, in the hundreds of cases almost then daily coming before me? In the case of partnership companies doing business in Manitoba, some of the members of whom are out of the jurisdiction, I had been under the County Courts Act, in habit of holding, in the County Court, that service upon one member within the jurisdiction was good service on all without the jurisdiction—one being the agent of all—and I now so hold. I give my notes of the proceedings and evidence which are flyed away with the papers in the case.

OCTOBER 9th, 1879.

“D. C. Black *v* McDonald *et al.*”

“In the County Court of Selkirk, summons and order served on the 9th instant, claim for 24 days work.”

“DUNCAN C. BLACK sworn for himself says:—I live in the County of Gray, Ontario, I worked on the Thunder Bay contract under Purcell, Ryan, Marks and Megantic. I commenced work there in May—worked there until about the 23rd September last. I then left and came through on Contract B., which I understood was under Fraser, Manning & Co. I went to a man who was represented as having the management of the work, by the name of D. C. Archibald. I was coming up to Winnipeg, and on my way stopped at Archibald's camp over night. Archibald asked me to go to work on the railway, on the section. He said he had two and a-half miles to do. He said he would give \$1.50 per day, out of which board was to come. He said the Government contractors would send along and pay the men. I worked for him twenty-four days. I then left. Archibald took the board out of my wages and gave me the memorandum produced, showing the balance due me. He told me to take memorandum to the office at Rat Portage and the Government contractor would pay me. There was due \$25 55. I went to the Rat Portage, which is fifty miles from where I worked, and presented the bill to a man of the name of Baker, who was a clerk in the office. He said the paymaster was away to Winnipeg and would not be back till Wednesday. It was then on a Saturday. I stayed over till Monday morning, and started to work for the Company on Monday morning. I was paid by the walking boss. I wanted to work till the pay boss would come and did not wish to run in debt for my board. The paymaster returned on Wednesday. I presented him the memorandum and he said he could not pay it till the defendant McDonald came from Winnipeg by the lake, who he said had the money. I waited until next day. On that day I went again into the office and the paymaster told me that I would have to see McDonald, the contractor. On that same day I saw McDonald in his office, and I asked him for the money. He said he would not pay it, that he believed Archibald was in his debt. So I left. Since I have been here I have seen McDonald in Winnipeg, and I asked him if he was going to pay me. He said he would not pay me. He said he had told me he would not pay it at Rat Portage. I know that defendants have on a like memorandum paid claims since they refused to pay me. I

have not a cent of money. What I earned at Thunder Bay I sent home to my family. I am here without anything to help myself with."

"No one appearing for the defendants, I give judgment against the defendants for the amount claimed, \$25.55.

"E. B. W., C.J."

It is needless for me to say that except a case is made before me for the purpose of the staying of an execution, I have nothing to say about the issue of execution on a judgment in any case. That is regulated by Statute, and the execution is issued, not by me nor at my order, but by the Clerk of the Court, and everybody ought to know that the bailiff must execute the writ of execution according to the Statute, and according to law. I had no knowledge of either the issue of the writ of execution by the clerk and delivery to the bailiff, or of the action of the bailiff thereunder till in the afternoon or evening of the 9th of October, the same day I tried the cause, when Mr. Bain, of the law firm of Bain and Blanchard, applied to me to open the case and rehear the case, on the ground that none of the defendants had been served with the writ of summons or with the order for Speedy Trial. I was astonished; and from this time I have a distinct recollection of the subsequent events. I at once ordered proceedings to be stayed and the cause to be opened for re-hearing the next morning, the 10th of October. On the next morning, on the re-hearing of the case, Mr. Bain appeared as counsel for the defendants, and Mr. John J. McDonald, one of the defendants, was sworn as a witness for the defendants, and proved that "John Shields" on whom the bailiff swore he had served the writ of summons and order of the Judge for "Speedy Trial" as one of the defendants, was not one of the defendants, nor was he a member of the firm of contractors at all; that he was a son of one of the defendants whose name was erroneously put in the writ and proceedings as "James Shields" instead of "Alexander Shields," and that the said "John Shields" was only book-keeper or accountant for the defendants, and had left Winnipeg for Rat Portage by the early train on the morning of the 9th of October; and it appeared he must have been served just as he was going to the train on that morning; and that a knowledge of the service of the writ of summons and order for "Speedy Trial" on him had never, in any way, come to the defendants. And he further went on to prove that the debt claimed was not the debt of the defendants, but of Archibald, the sub-contractor. After hearing Mr. McDonald's evidence, and looking at the papers in the cause which seemed to be open to all the objections advanced, I said, in substance, that "I was not prepared to express, nor was it necessary I should express, any decided opinion on the ground of the defendants ultimate liability for a debt of labor performed on their contract and which they had had the benefit of, through the procurement of Mr. Archibald, but I might say that I was inclined to take a view different from that expressed by counsel for the defendants." (See a judgment on this point subsequently given by me in *Bell vs. Ryan*, set out in observations on 9th paragraph of Mr. Clark's petition.) However, that might be, the judgment in this cause and all subsequent proceedings must be set aside, and judgment of non-suit entered against the plaintiff on the ground that the writ of summons and order for "Speedy Trial" were not served upon any one of the defendants, and the debt, as the defendants contended, is not their debt but of Archibald. The plaintiff may, of course, bring a fresh action, but I suppose he will not be able to do so, he will have enough to do to pay the costs of this action, I sincerely pity the situation of this poor man in this matter, but it is not in my power to help him."

I at the time, endorsed the substance of these remarks on the papers—not one word of objection was made as to the shortness of time between the service of the writ and order and the hearing of the cause, nor any allusion to it whatever; but the objection was that the cause had been tried without the defendants having any notice of it at all. I think myself, now, that notice from 8 o'clock in the morning to 11 or 12 of the same day, under ordinary circumstances is not reasonable; and it may have been considered, and probably was considered, that, in the case of these defendants, it was for their advantage and convenience that a course against them in which they

were necessary witnesses for themselves, and in which there were no complications, should be brought to trial as speedily as possible, in order that they need not be detained in town. I can conjecture none other. But in all such cases if the parties appear, and either of them is not ready, an adjournment takes place as a matter of course. But no objection of that kind was ever made or suggested in this case by the defendants or their counsel to me or before me; nor did I ever hear any such objection until I learned it from Mr. Clarke's petition. The question arises, how did Mr. Clarke get hold of this matter? The mistake in the style of the cause and inaccuracy in the statement of all its incidents and history, prove that he never derived his lying story from the records of the Court, or obtained it from the solicitors of the defendants, Messrs. Bain and Blanchard. From whom did it come then? The inference is from Manning, McDonald & Co., probably from Mr. John J. McDonald, the chief manager of the company on their works on their contract. Hence the reticence of their solicitor and themselves on the subject of my letter to Mr. Kennedy already set out (see letter to Mr. Kennedy, and remarks thereon, under observations on 9th paragraph of Mr. Clarke's petition.) One would think that Manning, McDonald & Co. would have been content to let this action of Black *vs.* McDonald *et al.* rest in silence, a poor laboring man was technically deprived by them of \$25.55, whose labor had been expended on works for which they had been estimated and paid by the Crown, and it would be singular indeed if poor Black's is an isolated case. One would think that they might have been content with their success; not so, they must raise a charge against a judge for no other imaginable reason than that he expressed an opinion, which they supposed, as it seems, if carried into action, might be prejudicial to their policy and to their interest. They have been the occasion of cause of the full exposition of the case of Black *vs.* McDonald *et al.*, I hope they are satisfied.

*Quid non mortalia pectora cogis*

*Auri sacra fomes.*

These are facts of the case misnamed in Mr. Clarke's petition of McAdams *v.* McDonald *et al.* How any one can conceive anything in them censorious on the judge is to me incomprehensible.

Mr. Marston, the Clerk of the Court, has written the subjoined letter in explanation of the facts of the case, based on the records in his office, and on his memory of the occurrences connected with it.

WINNIPEG, 22nd July, 1881.

SIR,—I have been requested by you to enquire and search in my office respecting a case in October, 1879, of McAdams against McDonald *et al.* in the County Court for Selkirk, in which you say you are charged with having made an order for the trial of the cause on one day, and on the same day trying the cause, giving judgment and causing an execution to be issued and the defendant's property seized before one o'clock. I have looked and searched through all the cases in my office which in all amount to 6,100, but I can find no trace of any such cause, but I do find a case of Black against McDonald *et al.* which, on reference to Messrs. Bain and Blanchard, the then solicitors for the defendants, I am informed, and I believe, in fact, I have no doubt is the case referred to.

In the case of Black against McDonald *et al.*, the summons was issued and the order of the Chief Justice for the trial of the cause made for the 9th day of October, at 11 o'clock, but were issued and made on the 7th day of October, 1879. The claim endorsed upon the writ is for labor performed on Section B, of the Canadian Pacific Railway, under foremen D. C. Archibald and C. S. Archibald for \$25.55.

On the 9th of October, 1879, the service by the bailiff of the summons and the order of the Chief Justice was returned before him at eleven o'clock in the forenoon; as no one appeared for the defendants the matter stood over until the rest of the business in Chambers was disposed of.

At about 12 o'clock the case was taken on. It appeared by the affidavit of the bailiff that he had served the writ and order that day, but I represented to the Chief

Justice, as the fact was, that they were served at about eight o'clock in the morning, I supposed, and so represented that the service had been personal on one of the defendants. The Chief Justice accordingly heard the cause and gave judgment against the defendants for \$25.55; but had no direction, as is never the case (except under special circumstances), as to the issue of execution; but the Court, by me its clerk, issues execution in due course as a matter of course. In the afternoon of that day I issued execution and gave it to the bailiff as it was my duty to do. Under the execution the bailiff went to the office, in the City, of the defendants and demanded payment; no one was in the office but a clerk, who said he had no orders to pay it; the bailiff then said: "I must seize this safe then," and he spoke of removing it, if a receipt bond were not given for its forthcoming. The clerk then asked the bailiff to wait a few minutes and he stepped across the street to the office of Bain & Blanchard, and Mr. Bain returned with him and told the bailiff that he would be responsible for the forthcoming of the safe, and said to the bailiff that there was a mistake about the matter, and that he would at once apply to have the judgment set aside.

On the application of Mr. Bain, on the ground that none of the defendants had been served with summons or order, the Chief Justice opened the hearing of the cause; and upon taking the evidence of Mr. John J. McDonald, the leading member of the firm of the defendants, and it appearing that none of the defendants had in fact been served with a writ of summons or with the judge's order, non-suited the plaintiff and endorsed on the papers these words, "case opened and plaintiff non-suited on ground that writ of summons and judge's order were not served on any one of the defendants, and the debt is the debt of Archibald, not of the defendants. 10th October, 1879. E. B. Wood, C. J."

On the rehearing, it turned out that the bailiff had served the papers on "John Shields," a son of "Alexander Shields," who was not a party defendant at all; this error and mistake were not observed by the Chief Justice when he tried the cause on the 9th of October, nor by myself, nor by the bailiff; it was altogether an oversight, and so fully explained to Mr. Bain, counsel for the defendants, and to Mr. John J. McDonald, one of the defendants at the rehearing next day, and regret expressed by the Chief Justice that the error had escaped his observation. With the greatest care mistakes of this kind often occur, but when pointed out or detected are always promptly corrected.

I have the honor to be, Sir, your obedient servant,  
ED. MARSTON, C.C.C. of Selkirk.

Hon. Chief Justice.

## CHAPTER XII.

### *Observations on the Twelfth Paragraph of Mr. Clarke's Petition.*

"That said Hon. E. B. Wood has heretofore been charged by the Government of Manitoba with degrading the administration of justice by his unseemly conduct and gross exhibition of intemperance while on the Circuit as Judge of the County Court, on the road, at Portage la Prairie; that the charge, hereby referred to, was solemnly made by the Lieutenant-Governor in Council of the said Province, and was duly forwarded to the Minister of Justice of Canada." (*Infandum Regina jubes renovare dolorem.*)

The allegation in this paragraph of the petition is, that I have heretofore been charged by the Government of Manitoba with intemperance on an occasion of my being on Circuit, in holding the County Court at Portage la Prairie.

It is quite true that this charge was made against me by the Executive Government of Manitoba.

It is now well nigh five years since the occurrence is said to have taken place. I was promptly furnished with the charge and put on my defence by the Executive Government of Canada; and a full defence and explanation were then made, with

which His Excellency Lord Dufferin, the Governor General in Council, professed to be satisfied; and the further discussion or consideration of the matter was, as I understood from the official correspondence, closed.

It would appear to me, therefore, that, it is not intended that I should be called upon to enter on the defence of this charge, *de novo*, until I am more directly required by His Excellency in Council so to do.

I, therefore, forebear, at present, from making any further observations on this twelfth paragraph of Mr. Clarke's petition.

## CHAPTER XIII.

### *Observations on the Thirteenth Paragraph of Mr. Clarke's Petition.*

"That by the aforesaid acts of injustice, conspiracy, partiality and arbitrariness, by a record in the custody of the Crown office, and a record of the Court, in a very important and serious criminal proceeding, on which the life and liberty of the parties implicated might depend, and by the corrupt preparation or packing of the petit jury list to try men for murder, and by his degradation of the administration of justice, the said Hon. E. B. Wood has completely destroyed all confidence and respect, in his regard, and that he has rendered himself entirely unworthy of exercising any longer the honorable, sacred and august functions of the Chief Justice of the Court of Queen's Bench of the Province of Manitoba."

From the fact of the explicit denial and disapproval by records and documents transmitted, of all charges of acts of injustice, conspiracy, partiality or arbitrariness; of changing or altering records, except in the outlawry case of Riel, the amendment of the *writ of exigent* and the *writ cum proclamatione*, at the time and in the manner described, which was a proper act, and in no way affected Riel prejudicially.

From the fact of the emphatic denial, and, under the circumstances, impossibility of any "packing" the jury panel in the *Queen vs. Lepine*;

From the fact that all the judgments and decisions of the Courts, in all controverted cases and matters, have been delivered in writing, with the grounds and reasons fully stated, all of which are of record in the Court, and all are *prima facie* right and just according to law;

From the fact of the complete refutation and disapproval of meddling in politics and with political parties in addresses to the grand jurors, by the addresses to the grand jurors and other documents transmitted;

From the fact that the accusation against me that I said in my addresses to the grand jury at the Spring Assizes of 1880, "I had no confidence in the oath of the French native population of the Province," is, by the charge itself to the grand jury, demonstrated to be an unmitigated falsehood;

From the fact that the allegation in the petition, that suitors have no confidence in the administration of justice in the Courts of the Province over which I preside, is disproved by the fact that not one person, having had, in any way, any connection with any legal business in this Province, either professionally or otherwise (except Mr. Clarke) has joined in the petition; the petition itself thereby evidencing in the strongest manner possible its utter falsity;

From the fact, as it is proved by the papers transmitted, that all persons are fearlessly placed on an equality, without favor or affection, before the Courts, and even-handed justice, according to law, dealt out to all;

From the fact that the reckless professional delinquent is sternly rebuked only in the furtherance of justice, and then only in the interests of his client, and for the suitor and for his protection;

From the fact that strict and exact justice was dealt out to Manning, McDonald & Co., Government railway contractors, in *Sinclair v. Manning, McDonald & Co.*, although they tried hard, by swearing and otherwise, to baffle the ends of justice, and

only exposed themselves in the end, by appeal, to the newspapers, to infamy and disgrace;

From the fact that, although powerful influence was on the one side, justice was administered according to law, in the case of *Hogan v. Pitblado et al.*, as the evidence and judgments in the case, and the letters of Mr. Blanchard and Mr. Caldwell transmitted, fully demonstrate;

From the fact of the accusations in the case of *McAdams v. McDonald et al.* (should be *Black v. McDonald et al.*), are exposed by the record of the Court and incontrovertible evidence, as being unfounded and most wickedly false and malicious; and finally;

From the fact that there is not one solitary statement of truth in the whole petition—not one statement of fact but has been shown by incontestible evidence to be maliciously false—not one imputation but has been shown to have proceeded from persons destitute of not only the plainest principle of honor, truth and manliness, but even of the common decencies of life—from persons actuated by the worst and most malignant and odious passions of human nature—envy, hatred and malice and all uncharitableness—and from the fact that the petition is not the petition of those purporting to have subscribed it—is subscribed by no one (except Mr. Clarke) who ever has been connected with any legal business before the Courts in the Province—is a forgery, is a cheat and fraud—from the fact that it affects not me alone, but is an indirect assault upon the whole judiciary of Canada—by all these considerations, I call upon and I implore His Excellency in Council to do justice in the premises, to vindicate the majesty of right and truth! to cause to be erased from the records of the State papers and from both Houses of Parliament this infamous petition and all traces of it—to “stamp out” “this vile slander.”

#### CHAPTER XIV.

##### *Observations on the Fourteenth Paragraph of Mr. Clarke's Petition.*

“Your petitioners declare, and they pray you to believe, that it is most painful to them to be obliged, in the interests of justice to adopt this mode of proceeding, as it must be always very painful to British subjects to acknowledge, much more expose, the fact there is corruption on the Bench. The suitors, members of the Bar and people of the Province of Manitoba know that, and yet they have been deterred from preferring charges for fear of the vengeance of said Hon. E. B. Wood, Chief Justice of the Court of Queen's Bench for the Province of Manitoba, should he succeed in escaping the charges made against him. The facts aforesaid, if they be not within the personal knowledge of your petitioners, are most of them of public notoriety, and have come to the knowledge of your petitioners in such a manner as to render them worthy of credit and belief.

“That your petitioners are in a position to prove that all facts and complaints above set forth are susceptible of undeniable proof.

“Wherefore, your petitioners pray your honorable House to take this their petition into favorable consideration, and deal therewith in conformity to law and justice, and the interests of the pure administration of justice and public service.

“And your petitioners as in duty bound will ever pray.”

This paragraph is the “unkindest cut of all.” We are told, and Mr. Clarke actually prays it may be believed, that “it is most painful to him to be obliged, in the interests of justice, to adopt this mode of proceeding; as it must be always very painful to British subjects to acknowledge, much more to express the fact, that there is corruption on the Bench.” He stands forth, regardless of consequences, as the self-constituted champion of the poor and timid suitors and of the trembling and truculent Bar of Manitoba, all of whom are afraid to speak, on account of the vengeance of the Chief Justice!

This makes his character complete. It reminds me of the invective of Lord Macaulay on Barère, when assured that Barère always had a fervent and constant zeal for religion. "Whatsoever things are false, whatsoever things are dishonest, whatsoever things are unjust, whatsoever things are impure, whatsoever things are hateful, whatsoever things are of evil report, if there be any vice, and if there be any infamy—all these things we know are blended in" Clarke.

But one thing was wanting; that he has himself supplied. When to such an assemblage of qualities is added a profession of pain at an exhibition of himself, as a vile calumniator, and a profession of a sincere concern for the purity of the administration of justice, and proclaims himself a voluntary and unsolicited champion of timid suitors and a trembling Bar, the effect becomes overpowering. One is wrapped in admiration and sinks under the contemplation of such exquisite and manifold perfection!—Is lost in amazement at such an exemplification of patriotism and of disinterested benevolence, of love of justice and right, of hatred of injustice and wrong!

The exposure of public peculation under the pretence of the public service, of private robbery under the guise of criminal justice, of the apostacy of faith at the bidding of lust, of betrayal of friends, the abandonment of a wife; the seduction of a woman, the mother of many children; the breaking up of a once happy family and home; in short, the exposition of a life which is but one unbroken plane, replete with every vice, stained with every wickedness, and black with every infamy, unlighted by a single ray of virtue (see Clarke's character under observations, paragraph 3)—can be a pleasure to no one. But when a man with such a character challenges notoriety in the most public manner possible, by presenting a petition to the Parliament of Canada, and to His Excellency in Council, hypocritically professing his regard for the purity of the administration of justice—that which is no pleasure, becomes a duty, public considerations and private character are involved, and demand the exposure of the moral assassin.

He was not sought. He has forced himself into notoriety. His carrion character, shunned by the dog and the crow, is too repulsive to be long kept under attention. Let him go. I leave him to His Excellency in Council to deal with as he deserves.

To me it seems hard that I should, in my case, be subject to this prosecution, and by such a person.

I came to this Province at a time when everything, political and judicial, was in an unformed and unsettled state. The Statute-book, relating to property and civil rights, was disfigured with all sorts of incongruous legislation; the powers of the Court were ill defined; there were no settled rules of pleading, practice or procedure; the bills of costs allowed were something frightful; and aggravating all this (with one or two exceptions) was a profound ignorance of English jurisprudence.

After surveying the situation, I commenced carefully and cautiously laying the foundation of our present judicial system.

I came here in June, 1874. In the July following, I prepared, and induced the Legislature to pass, 38 Vic., chap. 12, which is very comprehensive, and constitutes the chief corner-stone of our present judicial system. Under it, I made rules and established a proper tariff of fees. This action, at first, was met with strong opposition from the profession. This action, on my part, at once placed the practice in the Courts, in theory, after the model and form of that of the Courts in Westminster Hall, and the Court of Chancery, in England, as it was on 15th July, 1871, except as altered or changed by the Legislature or rules of Court. At law, in matters of practice and procedure, Archbold's Practice and Chitty's Forms became recognized authorities; and the decisions of the Superior Courts in England, as contained in the authoritative reports, governed in matters of law.

I introduced legislation, and a body of rules, placing the practice of the Court, on its equity side, on an easy, intelligible and inexpensive footing.

I kept a constant and watchful eye over legislation, affecting the law, procedure and practice of our Courts in civil matters.

I compiled and prepared, and after two unsuccessful efforts in two successive sessions, finally succeeded, in 1879, in inducing the Legislature to pass the County Courts Act, which, embracing as it does a code of law and system of practice and procedure for causes of action within the jurisdiction of the County Courts, has not an equal, much less a rival, in the British Empire.

During the past two years, I have alone, in addition to all my other duties and labors, revised and consolidated the Statutes of Manitoba, from 1871 to 1880 inclusive, and have myself read the entire proof in printing; and they are now published; and the law of the land—a work of no inconsiderable labor; and, I think, the consolidated Statutes of Manitoba—in the revision of which abnormal legislation was excised—present a fair body of statutory law.

All the decisions, involving dispute or controversy of fact or law, have been given in writing; and the law and practice of the Courts are that of the Superior Courts in England, which has now become fixed and inextricably interwoven into our whole judicial system; but the transition and changes were so gradual and facile that they did not attract observation, and seemed to be, and in fact were, the natural outcome of the Act 38 Vic, chap. 12, and subsequent Acts, which I prepared and the Legislature passed; until now, I am bold enough to say, we have a judicial system, according to which there is administered pure and impartial justice to all classes of persons, according to law, the superior of which cannot be found within the British Empire. It may appear egotism in me, nevertheless I shall state the fact. I, in seven short years, amid great difficulties and embarrassments, have laid this foundation, and on it, reared this superstructure.

No one who knows anything of the expense of living in this country will say that I have been adequately paid. Had not the Government generously given me some extra work in connection with the Land Office, which has brought me in something additional to my salary, with the most pinching economy I could command I do not see how I could have got along.

But this is nothing. I have made no account of it. It has not troubled me. It has never been in my mind except interjected by importunate creditors or unwelcome maturities.

Cupidity, in respect of property or money, has not been a frailty of my nature.

I am now aged, grown gray in the service of my country, but not rich. I have no worldly possessions, but I have that which, in my estimation, far surpasses any such considerations—a consciousness of having, to the best of my ability, under all circumstances, striven to do my duty; and my aim has been to leave behind me, not money or lands, but a pure and unsullied reputation, in my private relations with men and in my public and official capacity, and, above all, my aim has been to lay the foundation and to rear thereon the superstructure of a wise and pure administration of justice, and I think I have accomplished the object at which I have aimed.

No ancient devotee of the Christian religion could have been more single-minded, zealous and self-sacrificing in the propagation of his faith than I have been in my efforts to achieve that which I have regarded as the last and crowning act of my earthly career—the establishment and consolidation of a pure and enlightened system of jurisprudence in Manitoba.

With such a life and such a record—with such aims and aspirations—with such services and labors, evidenced by such facts, manifest to all, is the reputation and the sacred character of a high judicial officer to be subject to the irresponsible and lying imputations of such men as purport to have subscribed this petition, every word of which is proved to be false, and are they, under the guise of the right of petition, to slander *ad libitum*, and is there no redress? If this is so it is

Durum! Sed levius fit patientia  
Quidquid corrigere est nefas.

I can fully appreciate that it is hard, but I am not prepared to accede to the proposition that there is no remedy.



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I humbly ask and implore His Excellency in Council to extend to me that redress which, I cannot but think our excellent constitution affords, in a case of this kind—an outrage committed on an innocent man and a high judicial officer of the Crown.

Raro antecedentem scelestum,  
Deseruit pede pœna claudo.

All of which is respectfully submitted.

E. B. WOOD, C.J.

## RETURN

(107)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882 :—For all Correspondence, Petitions and Reports of Government Engineers, relative to the different Railway Crossings at Queen Street and Dufferin Street, on the Western limit of the City of Toronto.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
27th March, 1882.

*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]*

## MEMORANDUM

(108)

On the Estate of the late Bank of Upper Canada :

On the 30th June last the balance at the <i>credit</i> of the Liquidation Account stood at.....	\$332,437 38
Since that date there are receipts for.....	16,309 25
	\$348,746 63

And the mortgages not matured and other securities will, by the latest estimate, fetch probably \$60,000 more; this would make a total realization of about \$405,000, or thereabouts.

On the 1st August, 1870, the Estate was taken hold of by the Government; previously thereto an advance was made by the Government to the Trustees of \$150,000.

Up to the 30th June last the amount advanced by the Government, in addition to the above \$150,000, was \$102,370.78, making in all \$252,370.78, or \$2,370.78 in excess of the amount authorized by Parliament.

I find that at the 1st August, 1870, in addition to a debt to Messrs. Glyn, Mills, & Co., of \$74,416.20, there were other liabilities of the Bank amounting to \$117,987.73. It was estimated that the demands against these liabilities would aggregate \$88,110, as under, viz.:

	Liabilities.	Estimated Demands.
1. Bank notes in circulation.....	\$13,301 50	\$10,000.00
2. Due as suspense account.....	260.10	260.00
3. Current accounts.....	4,511.56	4,000.00
4. Deposit receipts.....	7,243.21	7,500.00
5. Bank drafts.....	6,809.93	850.00
6. Trustees' certificates.....	55,861.43	65,500.00
	\$117,987.73	\$88,110.00

This estimate, with a possible payment to Messrs. Glyn, Mills & Co., would, it was anticipated, absorb \$100,000, and hence authority was procured to advance in all \$250,000.

In November, 1872, the securities held by Messrs. Glyn, Mills & Co. were transferred to the Government, and a settlement was made in full of all demands by a payment of \$30,000; this only left \$70,000 for the other liabilities; and whilst the estimate was not so far out in the other items, that for redemption of the note circulation was greatly under estimated, as since that date notes to the extent of \$39,000 have been redeemed, and but \$4,000, apparently, remain in circulation.

Judging from the past two years I do not anticipate that any demands will arise from the liabilities above cited beyond that for redemption of notes as in 1879-80 and 1880-81, nothing was paid except for that purpose and then only in small amounts.

The claim referred to by Mr. Hesson arises out of another matter entirely. The claimant states that in 1861 he had assigned to him a judgment obtained by the bank, and that upon endeavoring to realize the same he found that the bank had released the parties. The case is extremely complicated and will probably have to be transferred to the Department of Justice.

In asking for \$5,000 I have made up the figures as follows: \$2,000 already advanced, \$1,000 for note redemption, and \$2,000 for a margin.

Respectfully submitted.

J. M. COURTNEY, Deputy Minister of Finance.

Finance Department, Ottawa, 29th March, 1882.

No. (108a.)

STATEMENT of the Indebtedness of the Bank of Upper Canada to the Government, amounting to \$1,150,000 up to date.

DR.

CR.

	1st August, 1870.	16th May, 1882.	1st August, 1870.	16th May, 1882.
Receipts from liquidation.....	\$ cts.	\$ cts.	\$ cts.	\$ cts.
(a) Bills and securities (new).....	4,617 50	348,746 63	1,122,639 10	.....
(a) { Mortgages (new).....	19,621 23	6,000 00	74,416 20	.....
(b) { do Suspense Account.....	72,454 31	.....	150,000 00	252,370 78
(c) Bonds, Debentures, &c.....	64,419 33	.....	.....	.....
(c) { Real Estate.....	10,640 67	10,640 67	55,861 43	.....
(d) { do Trust Account.....	311,503 53	.....	43,301 50	5,000 00
(e) Bills, Judgments, &c, (old).....	184,612 50	.....	4,511 56	.....
Suspense Account.....	649,534 02	15,000 00	7,243 21	.....
Irrecoverable Debts.....	1,219 64	.....	6,809 93	.....
Profit and Loss.....	271,631 52	.....	1,939,845 00	.....
	1,814,633 69	.....	.....	.....
Total .....	\$3,404,888 03	\$420,387 30	\$3,404,888 03	\$257,370 78

a. All estimated good.  
 b. Possibly about \$5,000 may be foreclosed; the rest considered good.  
 c. As this includes over \$17,000, Brockville and Ottawa stock, for which offers have been made of 50 cents on the dollar, the loss will not be great.  
 d. The Real Estate Trust represented the properties held as security for the indebtedness to Glyn, Mills & Co, the whole of the Real Estate has been sold and turned out better than was expected.  
 e. This item stands about \$615,000; the \$15,000 is probably good, the balance is probably all bad, but I have not considered it desirable to wipe off anything until full enquiry is made.  
 In round numbers the out-turn will probably be about \$150,000, which would pay some 13 or 14 cents in the dollar on the indebtedness to the Government of \$1,150,000.

J. M. COURTNEY, Deputy Minister of Finance.

E. & O. E.

FINANCE DEPARTMENT,  
 OTTAWA, 16th May, 1882.

**RETURN**

(109)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882:—For a Return showing the various changes in the organization of the Royal Military College, since its establishment to 1st February, 1882.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.*Secretary of State.*

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**RETURN**

(109a)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882:—For a Detailed List of Cadets of the Royal Military College, past and present, who were born in the United States.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed.]

## RETURN

(109b)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882 :—For a Return showing the number of Cadets who have been admitted to the Royal Military College since its opening on the 1st of June, 1876, the number who have Graduated, the number who have left the Institution without Graduating, the number now on the strength of the College, and the greatest number attending the College at any one time, and the Date also, so far as can be ascertained, the present Residence and Occupation of Cadets who have Graduated, with a Detail of the Arrangements, if any, by which Graduates could be called upon to serve if required.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.

*Secretary of State.*

## RETURN

(109c)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882 :—For a Return of Graduates of the Royal Military College holding Commissions in the Militia, who have attended the training of Battalions to which they are attached since July, 1880.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.

*Secretary of State.*

[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(109d)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882:—For a Return showing the Salary paid to Professor Ferguson, number of Cadets attending his Classes and the number of Lectures given by him from the 1st day of November, 1881, to the 1st day of February, 1882.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.

*Secretary of State.*

## RETURN

(109e)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882:—For a Return of the Names of the Staff and of the Employés of every description in connection with the Royal Military College, with the Salaries and Allowances received by each, and their Duties.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
11th April, 1882.

*Secretary of State.*

*[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed]*

## RETURN

(109f)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882 :—For Copies of the Correspondence between the Commandant of the Royal Military College and the Militia Department in reference to the appointment of a Captain of Cadets for the College in lieu of Major Ridout.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
11th April, 1882.

*Secretary of State.*

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## RETURN

(109g)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882 :—For Copies of all Correspondence between the Commandant of the Royal Military College at Kingston, the Major General commanding the Militia, and the Minister of Militia, relating to the removal of Major Ridout from the Royal Military College Staff.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
15th May, 1882.

*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]



## RETURN

(110)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882 :—For a Return showing the Names of the Officers who took part in the Red River Expedition of 1870-71, embracing as well those of the Ontario Rifles as those of the Quebec Rifles, and the Rank which they then held, and that which they now hold in the Militia.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.*Secretary of State.*

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## RETURN

(111)

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1882 :—For all Correspondence with the Department of Militia and Defence in relation to the Retirement of Lieutenant-Colonel John Fletcher, late Assistant Adjutant General of Military District No. 5, and to the Bonus granted to him on his Retirement.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

**S U P R E M E C O U R T .**

GENERAL ORDER, No. 80.

(112)

OTTAWA, 17th March, 1882.

The Hon. J. A. MOUSSEAU, Secretary of State for Canada.

SIR,—In compliance with the provisions of Section 79 of the Supreme and Exchequer Court Act, I have the honor to transmit to you herewith, for the purpose of being laid before both Houses of the Parliament of Canada during its present Session, a Copy of General Order No. 80, which has been made by the Judges of the Supreme Court of Canada during the past year.

I have the honor to be, Sir, your obedient servant,

ROBT. CASSELS.

## RETURN

(113)

To an ORDER of the HOUSE OF COMMONS, dated 15th February, 1882;—For a Return showing the expenses in detail incurred by the several Members of the Government, and any other person or persons in the service of the Government, or paid by the Government, sent to England or elsewhere on behalf of the Government, or in the service of the Government from 10th February, 1880, to date.

By command.

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
27th March, 1882.

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OTTAWA, 21st March, 1882.

SIR,—I have the honor to hand you, in reply to an Order of the House of Commons, dated 15th February, 1882, a statement of the expenses incurred by the several members of the Government and any other person or persons in the service of the Government or paid by the Government, sent to England or elsewhere on behalf of the Government, or in the service of the Government from the 10th February, 1880, to date.

I have the honor to be, Sir, your obedient servant,

J. M. COURTNEY, *Deputy Minister of Finance*

The Under-Secretary of State.

STATEMENT in reply to an Order of the House of Commons, dated 15th February, 1882, asking for a Return showing the expenses in detail incurred by the several members of the Government and any other person or persons in the service of the Government, or paid by the Government, sent to England or elsewhere on behalf of the Government, or in the service of the Government from the 10th February, 1880, to date.

Name.		Amount.	Amount.
		\$ cts.	\$ cts.
Lieut.-Col. J. S. Dennis. ....	Travelling expenses of the Right Hon. Sir John A. Macdonald, K.C.B., and himself. ....	700 00	
H. & A. Allan.....	Passages for the Right Hon. Sir John A. Macdonald, K.C.B.....	126 53	
Hon. J. H. Pope.....	Travelling expenses.....	888 88	
Right Hon. Sir John A. Macdonald, K.C.B.....	Expenses of himself and associates in London .	3,198 31	
Hon. Sir Chas. Tupper, C.B., K.C.M.G.....	Travelling expenses.....	1,946 66	
	Total, per return dated 9th February, 1882.....		6,860 38
Hon. Sir Chas. Tupper, C.B., K.C.M.G.....	Expenses to England—C.P.R.....	500 00	
do do ..	Balance paid Moncton—I.C.R.....	500 00	
Right Hon. Sir John A. Macdonald, K.C.B.....	Amount paid him on account of expenses to England in summer of 1881.....	500 00	1,000 00
do do ..	Amount paid him in England, £176 19s., charged in Public Accounts, 1880-81. ....	861 12	
do do ..	Amount paid him in England, chargeable in fiscal year 1881-82, £421 0s. 11d.....		1,361 12
Hon. Sir Chas. Tupper, C.B., K.C.M.G.....	Travelling expenses, British Columbia.....	1,600 00	
L. K. Jones.....	do self and party.....	398 94	
C. Schreiber.....	do .....	359 50	
British Columbia Express Co.	Stage hire, Ministerial party.....	750 00	
W. R. Lewis.....	do do .....	20 00	
Hon. Sir S. L. Tilley, C.B., K.C.M.G.....	Travelling expenses to Washington. ....	480 00	3,138 44
G. Y. Crookshank, Private Secretary.....	do do .....	123 21	
S. E. Dawson.....	do do and service.	500 00	
			1,103 21

J. M. COURTNEY,  
Deputy Minister of Finance.

Finance Department, 21st March, 1882.

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## RETURN

(114)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882;—  
For a Return showing all sums paid to Sir A. T. Galt, as High Commissioner; also amount paid for rent and outfit of his residence in London; also amount paid for travelling expenses for himself and associates in the service of the Government since the 1st of July 1878.

By command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
27th March, 1882.

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OTTAWA, 22nd March, 1882.

SIR,—I have the honor to hand you, in accordance with an Order of the House of Commons, dated 27th February last, a statement showing all sums paid Sir A. T. Galt, as High Commissioner, &c.

I have the honor to be, Sir, Your obedient servant,

J. M. COURTNEY,

*Deputy Minister of Finance.*

The Under Secretary of State.

STATEMENT in reply to an Order of the House of Commons, dated 27th February, 1882, showing all sums paid to Sir A. T. Galt, as High Commissioner; also amount paid for rent and outfit of his residence in London; also amount paid for travelling expenses of himself and associates in the service of the Government since 1st July, 1878.

To whom Paid.	Service.	Amount.	Amount.
	1878-79.	\$ cts.	\$ cts.
Bank of Montreal.....	Expenses of Sir A. T. Galt and Lieut.-Col Bernard	5,093 04	
Hon. Sir A. T. Galt, G.C.M.G.....	Services as Commissioner (5½ months).....	3,208 33	
Lieut.-Col. H. Bernard, C.M.G.....	do Assistant Commissioner (3½ months)....	933 33	9,234 70
	1879-80.		
Hon. Sir A. T. Galt, G.C.M.G.....	Salary as High Commissioner for Canada in the United Kingdom. from 1st March to June, 10th 1880, at \$10,000 per annum.....		3,333 33
do do ...	Passage of self and family from Montreal to Liverpool <i>via</i> Halifax, including railway and ocean passage, and expenses during detention at Halifax	946 32	
do do ...	Expenditure on account of house furnishing and establishment of London office.....	1,259 85	
Edwin Smith & Son ...	One quarter's rent.....	771 61	
Bank of Montreal.....	Exchange on drafts.....	22 22	3,000 00
	1880-81.		
Hon. Sir A. T. Galt, G.C.M.G.....	Salary as High Commissioner for Canada in the United Kingdom, from 1st July, 1880, to 30th June, 1881, at \$10,000 per annum.....		10,000 00
do do ...	Balance of expenditure on account of house furnishing, &c.....	£ s. d. 292 3 1	
do do ...	House rent for year.....	578 0 6	
do do ...	Fuel and gas.....	68 13 6	
do do ...	Petty contingencies.....	28 0 8	
do do ...	Travelling expenses.....	69 15 2	
do do ...	Cablegrams, &c.....	41 17 7	
Hon. Sir C. Tupper, C.B., K.C.M.G.....	Travelling expenses as delegate to Monetary Conference.....	20 0 0	
		£1,098 10 6	
	Applicable to 1881-82.....	11 12 4	
		£1,086 18 2	5,294 07
Hon. Sir A. T. Galt, G.C.M.G.....	For services and expenses in connection with trade negotiations with France and Spain, &c., in 1879-80.....		4,058 32
	1881-82.		
Hon. Sir A. T. Galt, G.C.M.G.....	For Payment on account of salary.....	6,333 30	
do do ...	Payments on account of contingencies.....	3,919 04	10,252 34

J. M. COURTNEY,  
*Deputy Minister of Finance.*

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## RETURN

(115)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For Copies of the Engineer's Reports respecting the Repairs made to the Wharf at Matane, and the improvements that would have to be made to the Harbour in that locality.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
27th March, 1882.

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## RETURN

(116)

To an ORDER of the HOUSE OF COMMONS, dated 15th March, 1882:—For the Dominion Agent's Report on Courtney River, in Comox District; also Statement of the lowest Tender for the clearing of said River.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
29th March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(117)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882;—For a Return showing the quantity, value and the duty paid on the imports entered for consumption of :

1st. Grain and products of grain, viz. : barley, beans, buckwheat, Indian corn, oats, peas, rye, wheat, mill feed, &c., buckwheat meal or flour, Indian or corn meal, oatmeal, rye flour, wheat flour; also of animals, viz. : horned cattle, horses, sheep, swine, swine to be slaughtered in bond for exportation; also of fruits, provisions, viz. : butter, cheese, lard tried or entered lard untried, and meats, for the years 1877, 1878, 1879, 1880 and 1881.

2nd. Also, in a separate schedule, the value and quantity of the same goods not entered for consumption during the same years.

3rd. Also, showing the quantity and value of the exports in animals and their products, and agricultural products (both included in the Trade and Navigation Returns), for the same years.

By command,

J. A. MOUSSEAU.

Department of the Secretary of State,  
23th March, 1882.

*Secretary of State.*

OTTAWA, 24th March, 1882.

SIR,—I have the honor to transmit to you, herewith, the Returns called for by the enclosed address from the House of Commons, bearing date the 13th instant.

I have the honor to be, Sir, your obedient servant,

J. JOHNSON, *Commissioner of Customs.*

E. J. LANGEVIN, Esq., Under-Secretary of State, Ottawa.



STATEMENT showing the Quantity and Value of the undermentioned Articles of Agricultural products, and of Animals and their Produce, Imported from other Countries into the Dominion of Canada, and not Entered for Consumption therein, during the Fiscal Year ended 30th June, 1877.

Articles.	Imported and not Entered for Consumption.	
	Quantity.	Value.
<b>Agricultural Products, viz. :—</b>		\$
Barley..... Bush.	241,483	122,191
Indian Corn..... "	4,081,662	2,104,915
Oats..... "	1,025,872	369,310
Peas and Beans..... "	7,522	13,610
Wheat..... "	1,167,940	1,233,580
Indian Meal..... Brls.	291	850
Oatmeal..... "	10	35
Wheat Flour..... "	7,834	39,792
<b>Green Fruits, viz. :—</b>		
Apples and Pears..... "	5,881	7,830
<b>Animals and Produce of:—</b>		
Horned Cattle..... No.	1,471	130,770
Horses..... "	35	15,922
Butter..... Lbs.	787,761	151,572
Cheese..... "	1,770,397	149,393
Lard..... "	3,271,755	388,261
Meats, preserved..... \$		3,912
do all other..... Lbs.	13,946,937	1,105,932
<b>Total.....</b>		<b>5,837,875</b>

## 1878.

<b>Agricultural Products, viz. :—</b>		
Barley..... Bush.	275,943	125,335
Indian Corn..... "	3,986,945	1,908,150
Oats..... "	90,779	27,342
Peas and Beans..... "	142	301
Rye..... "	36,595	19,292
Wheat..... "	4,115,708	4,754,466
Other grain..... "	27	24
Indian Meal..... Brls.	278	888
Wheat Flour..... "	2,814	16,880
<b>Green Fruits, viz. :—</b>		
Apples and Pears..... "	1,417	4,250
<b>Animals and Produce of:—</b>		
Horned Cattle..... No.	531	62,439
Horses..... "	28	4,200
Butter..... Lbs.	497,491	91,960
Cheese..... "	1,316,845	123,780
Lard..... "	32,021	2,986
Meats, preserved..... \$		1,361
do all other..... Lbs.	10,016,858	643,273
<b>Total.....</b>		<b>7,786,927</b>

STATEMENT of Agricultural Products and of Animals, &c.—Continued.  
1879.

Articles.	Imported and not Entered for Consumption.	
	Quantity.	Value.
Agricultural Products, viz. :—		\$
Barley.....	Bush. 9,290	5,397
Indian Corn.....	" 5,427,530	2,233,430
Oats.....	" 141,308	35,300
Peas and Beans.....	" 281	460
Rye.....	" 770	390
Wheat.....	" 3,156,831	2,967,422
Indian Meal.....	Brls. 368	750
Oatmeal.....	" 2,057	10,325
Wheat Flour.....	" 5,829	27,455
Other Meal and Flour.....	" 20	65
Green Fruits, viz. :—		
Apples and Pears.....	" 14,138	16,252
Animals and Produce of:—		
Horned Cattle.....	No. 2,688	197,590
Horses.....	" 6	1,150
Sheep.....	" 300	1,568
Swine.....	" 145	1,005
Butter.....	Lbs. 228,265	36,550
Cheese.....	" 3,202,380	244,450
Lard.....	" 192,632	18,990
Meats.....	" 6,503,176	381,683
do preserved.....	\$	39
<b>Total.....</b>		<b>6,180,261</b>

1880.

Agricultural Products, viz. :—		\$
Barley.....	Bush. 1,626	888
Beans.....	" 432	236
Indian Corn.....	" 4,699,942	2,259,235
Oats.....	" 104,059	27,883
Rye.....	" 12,643	9,522
Wheat.....	" 7,511,418	8,071,137
Indian Meal.....	Brls. 572	1,588
Oatmeal.....	" 26	220
Wheat Flour.....	" 11,236	55,654
Other breadstuffs.....	\$	827
Millfeed and Bran.....	"	120
Green Fruits, viz. :—		
Apples.....	Brls. 4,322	8,596
Grapes.....	Lbs. 5,000	365
Other.....	\$	300
Animals and their Produce :—		
Horned Cattle.....	No. 41	7,490
Horses.....	" 81	11,378
Sheep.....	" 680	4,864
Swine.....	" 911	7,381
Provisions, viz. :—		
Butter.....	Lbs. 348,277	61,377
Cheese.....	" 3,060,833	199,784
Lard.....	" 1,889,686	114,239
Meat.....	" 14,180,296	783,344
do preserved.....	" 1,229	147
<b>Total.....</b>		<b>11,626,575</b>

STATEMENT of Agricultural Products and of Animals, &c.—*Continued.*  
1881.

Articles.	Imported and not entered for Consumption.	
	Quantity.	Value.
<b>Agricultural Products, viz. :—</b>		\$
Beans and Peas..... Bush.	1,052	622
Indian Corn..... "	5,411,583	2,695,627
Oats..... "	12,575	3,521
Wheat..... "	7,263,037	7,747,489
Bran, Millfeed, &c..... \$		25
Indian Meal..... Brls.	318	1,972
Wheat Flour..... "	38,852	193,667
<b>Green Fruits, viz. :—</b>		
Apples..... "	6,502	7,475
<b>Animals and their Produce :—</b>		
Horned Cattle..... No.	234	24,725
Horses..... "	11	6,262
Sheep..... "	98	2,916
Butter..... Lbs.	172,312	9,180
Cheese..... "	4,463,812	499,128
Lard..... "	2,035,460	155,321
Meats..... "	15,532,059	1,208,313
do preserved..... "		450
<b>Total</b> .....		<b>12,556,693</b>

J. JOHNSON,  
*Commissioner of Customs.*

CUSTOMS DEPARTMENT,  
OTTAWA, 24th March, 1882.

STATEMENT shewing the Quantity, Value and the Duty paid on the Imports Entered for Consumption, of the undermentioned Articles of Agricultural Products and of Animals and their Produce, during the Fiscal Year ended 30th June, 1877.

Articles.	Entered for Consumption.		
	Quantity.	Value.	Duty Collected.
<b>Agricultural Products, viz:</b>		\$	\$ cts.
Grain and Products of—			
Barley..... Bush.	128,318	64,953	
Buckwheat..... “			
Indian Corn..... “	4,178,417	2,154,628	
Oats..... “	672,096	241,372	
Peas and Beans..... “	1,147	2,060	
Rye..... “	65,414	43,632	
Wheat..... “	3,421,111	5,613,244	
Other grain..... “	635	850	
Buckwheat meal..... Brls.			
Indian meal..... “	294,051	877,627	
Oatmeal..... “	4,002	27,267	
Rye flour..... “	1,969	9,616	
Wheat flour..... “	541,229	2,924,481	
Other meal and flour..... “	4,260	11,925	
Mill feed, Bran, &c..... \$		10,200	1,019 85
<b>Green Fruits, viz:—</b>			
Apples and Pears..... Brls.	173,968	203,067	20,315 47
Grapes..... Lbs.	438,864	31,339	3,134 00
Peaches..... Boxes.	20,604	28,936	2,693 72
Other green fruits, N.E.S. .... \$		69,922	6,991 96
<b>Animals and their Produce:</b>			
Horned Cattle..... No.	8,056	221,337	22,133 80
Horses..... “	1,465	63,566	6,357 07
Sheep..... “	11,617	21,817	2,181 58
Swine..... “	13,758	179,038	17,903 86
Animals for improvement of Stock..... \$		209,784	
<b>Provision, &amp;c., viz:—</b>			
Butter..... Lbs.	180,837	41,290	7,233 58
Cheese..... “	81,834	13,925	2,455 03
Lard..... “	2,538,330	268,664	25,383 30
Meats of all kinds, N.E.S..... “	12,914,213	1,090,509	129,142 14
do Preserved..... “		100,091	17,520 97
<b>Total .....</b>		<b>12,523,140</b>	<b>264,466 33</b>

1878.

<b>Agricultural Products, viz:</b>			
Grain and Products of—			
Barley..... Bush.	26,204	11,908	
Buckwheat..... “			
Indian Corn..... “	3,400,562	1,627,469	
Oats..... “	2,071,513	624,099	
Peas and Beans..... “	9,447	18,428	
Rye..... “	110,228	58,106	
Wheat..... “	1,519,703	1,755,682	
Other grain..... “	703	587	
Buckwheat meal..... Brls.			
Indian meal..... “	226,572	618,492	
Oatmeal..... “	3,005	22,669	
Rye flour..... “	1,883	8,655	
Wheat flour..... “	311,706	1,849,221	
Other meal and flour..... “	1,615	4,909	
Mill feed, Bran, &c..... \$		9,423	942 09

## STATEMENT of Agricultural Products and of Animals, &amp;c.—Continued.

1878.—Continued.

Articles.	Entered for Consumption.		
	Quantity.	Value.	Duty.
Green Fruits, viz :—		\$	\$ cts.
Apples and Pears..... Brls.	52,679	93,435	9,343 47
Grapes..... Lbs.	403,638	29,162	2,916 25
Peaches..... Boxes.	71,303	47,526	4,752 21
All other green fruits, N.E.S..... \$		109,732	10,974 39
Animals and their Produce :			
Horned Cattle..... No.	5,120	83,471	8,346 91
Horses..... "	1,587	69,458	6,045 80
Sheep..... "	10,506	20,444	2,044 43
Swine..... "	14,704	116,922	11,692 10
do slaughtered, in bond..... Lbs.	71,632	4,774	716 32
Provision, &c., viz :—			
Butter..... Lbs.	111,557	23,773	4,462 36
Cheese..... "	88,434	14,561	2,653 08
Lard..... "	2,345,807	213,603	23,458 08
Meats..... "	13,947,320	924,176	139,473 22
do Preserved..... \$		70,793	12,392 04
Animals for improvement of Stock, viz :			
Horned Cattle..... No.	139	72,666	
Horses..... "	137	62,716	
Sheep..... "	131	5,349	
Swine..... "	90	4,303	
<b>Total.....</b>		<b>8,567,512</b>	<b>240,212 75</b>

1879.

Agricultural Products, viz :			
Grain and Products of—			
Barley..... Bush.	33,943	19,607	659 77
Buckwheat..... "	28	16	2 80
Indian Corn..... "	756,707	311,577	18,314 10
Oats..... "	1,892,507	473,030	4,534 44
Peas and Beans..... "	9,161	14,177	446 28
Rye..... "	72,698	37,293	5 60
Wheat..... "	1,053,334	989,984	210 15
Other grain..... "	9	21	
Buckwheat meal..... Brls.			
Indian meal..... "	217,284	490,634	19,401 05
Oatmeal..... "	3,421	17,411	485 93
Rye flour..... "	589	1,796	56 63
Wheat flour..... "	307,251	1,451,034	10,141 47
Other meal and flour..... "	1,047	3,477	20 34
Mill feed, Bran, &c..... \$		10,330	1,200 19
Green Fruits, viz :—			
Apples and Pears..... Brls.	149,302	156,701	16,079 76
Grapes..... Lbs.	378,446	29,948	2,989 60
Peaches..... \$		25,216	2,522 44
All other, N.E.S..... "		94,048	11,147 77
Animals and their Produce :			
Horned Cattle..... "	3,778	70,678	8,593 95
Horses..... "	1,563	64,442	8,627 25
Sheep..... "	11,083	21,529	2,730 76
Swine..... "	15,997	113,703	17,665 10

## STATEMENT of Agricultural Products and of Animals, &amp;c.—Continued.

1879.—Continued.

Articles.	Entered for Consumption.		
	Quantity.	Value.	Duty.
Provisions, &c., viz:—		\$	\$ cts.
Butter.....	“ 96,490	21,066	3,859 61
Cheese.....	“ 86,196	12,538	2,585 89
Lard.....	“ 1,522,820	119,267	18,675 88
Meats.....	“ 11,238,720	594,134	118,953 19
do Preserved.....	“ .....	39,316	6,101 86
Animals for improvement of Stock, viz:			
Horned Cattle.....	No. 181	43,011	
Horses.....	“ 114	63,696	
Sheep.....	“ 292	10,189	
Swine.....	“ 66	1,647	
<b>Total.....</b>		<b>5,301,516</b>	<b>275,991 81</b>

1880.

Agricultural Products, viz:			
Grain and Products of—			
Barley.....	Bush. 14,009	7,054	2,101 66
Buckwheat.....	“ 61	45	6 12
Indian Corn.....	“ 1,677,445	728,931	125,808 64
Oats.....	“ 72,867	27,729	7,287 07
Peas and Beans.....	“ 9,013	13,528	1,218 50
Rye.....	“ 5,993	4,297	599 30
Wheat.....	“ 10,176	7,936	1,521 32
Other grain.....			
Buckwheat meal.....	Brls. 415	1,278	104 55
Indian meal.....	“ 171,874	418,803	68,754 86
Oatmeal.....	Lbs. 244,335	8,320	1,221 68
Rye flour.....	Brls. 130	578	65 06
Wheat flour.....	“ 101,799	534,688	50,900 24
Other meal and flour.....	\$ .....	13,047	2,613 89
Mill feed, Bean, &c.....	“ .....	19,957	3,992 01
Green Fruits, viz:—			
Apples and Pears.....	Brls. 26,763	47,875	10,704 94
Grapes.....	Lbs. 567,892	32,188	5,699 13
Peaches.....	Bush. 35,622	37,425	14,248 74
All other, N.E.S.....	\$ .....	40,896	8,077 69
Animals and their Produce:			
Horned Cattle.....	No. 3,170	81,124	16,224 95
Horses.....	“ 936	41,474	8,294 80
Sheep.....	“ 7,967	15,558	3,111 95
Swine.....	“ 11,321	118,637	23,727 33
Provisions, &c., viz:—			
Butter.....	Lbs. 128,848	27,432	5,073 87
Cheese.....	“ 106,815	11,729	3,204 53
Lard.....	“ 1,608,661	123,211	82,158 64
Meats.....	“ 15,518,237	886,213	179,770 96
do Preserved.....	\$ .....	20,066	3,094 35
Animals for improvement of Stock, viz:			
Horned Cattle.....	No. 21	1,563	
Horses.....	“ 96	60,212	
Sheep.....	“ 406	11,389	
Swine.....	“ 48	1,123	
<b>Total.....</b>		<b>3,343,857</b>	<b>579,586 78</b>

## STATEMENT of Agricultural Products and of Animals, &amp;c.—Continued.

1881.

Articles.	Entered for Consumption.		
	Quantity.	Value.	Duty Collected.
<b>Agricultural Products, viz:</b>		\$	\$ cts.
<b>Grain and Products of—</b>			
Barley..... Brls.	16,933	7,872	2,540 13
Buckwheat..... "	91	48	9 10
Indian Corn..... "	2,043,309	910,188	153,251 21
Oats..... "	72,359	32,723	7,235 91
Peas and Beans..... "	9,239	12,468	1,222 60
Rye..... "	225	242	22 58
Wheat..... "	76,652	54,104	11,498 31
Other grain..... "		18,438	3,687 60
Buckwheat meal..... Lbs.	47,958	1,319	120 10
Indian meal..... Brls.	177,876	453,235	71,151 01
Oatmeal..... Lbs.	198,508	7,129	992 47
Rye flour..... Brls.	94	502	47 00
Wheat flour..... "	197,581	919,297	98,791 71
Other meal and flour..... "		19,263	3,852 25
Mill feed, Bran, &c..... "		24,120	4,825 06
<b>Green Fruits, viz:</b>			
Apples and Pears..... Brls.	46,005	60,889	18,405 95
Grapes..... Lbs.	424,848	35,252	8,496 94
Peaches..... Bush.	30,299	39,850	12,119 17
All other green fruits, N.E.S..... \$		269,451	52,207 10
<b>Animals and their Produce:</b>			
Horned Cattle..... No.	7,871	195,505	39,101 10
Horses..... "	775	41,131	8,226 20
Sheep..... "	8,205	15,036	3,007 35
Swine..... "	2,447	19,953	3,990 30
do slaughtered, in bond..... Lbs.	650,414	32,517	6,503 40
<b>Provisions, &amp;c., viz:—</b>			
Butter..... Lbs.	144,349	37,914	5,763 98
Cheese..... "	82,964	13,754	2,488 95
Lard..... "	2,511,065	247,284	50,220 65
Meats..... "	16,418,695	1,175,720	189,812 99
do Preserved..... \$		45,453	7,812 06
<b>Animals for improvement of Stock, viz:</b>			
Horned Cattle..... No.	295	39,560	
Horses..... "	217	173,008	
Sheep..... "	704	19,942	
Swine..... "	16	507	
<b>Total.....</b>		<b>4,923,674</b>	<b>767,403 18</b>

J. JOHNSON,  
Commissioner of Customs.

CUSTOMS DEPARTMENT,  
OTTAWA, 24th March, 1882.

STATEMENT showing the Quantity and Value of Exports of "Animals and their Produce" and "Agricultural Products," as in the Trade and Navigation Tables for the Years 1877, 1878, 1879, 1880 and 1881, as called for by an Order of the House of Commons, dated 13th March, 1882.

Table with columns for years 1877, 1878, 1879, 1880, and 1881. Rows are categorized into 'ANIMALS AND THEIR PRODUCE' and 'AGRICULTURAL PRODUCTS'. Each year's data is split into 'Goods the Produce of Canada' and 'Total Exports, Produce and not Produce'. Values are in dollars and cents.



## RETURN

(118)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882;—  
For a Statement showing the quantity of Coal exported from the Ports of Nova Scotia during the years 1877-78, 1878-79, 1879-80 and 1880-81, and the countries to which such Coal was exported; also, the quantity of Coal carried upwards through the St. Lawrence Canals and through St. Ann's Lock on the Ottawa River.

By command.

J. A. MOUSSEAU,

Department of the Secretary of State,

*Secretary of State.*

27th March, 1882.

STATEMENT showing the quantity of Coal exported from the Ports of Nova Scotia during the years 1877-78, 1878-79, 1879-80 and 1880-81, and the countries to which such Coal was exported, as required by an Order of the House of Commons, dated 6th March, 1882.

Name of Port.	1877-78.		1878-79.		1879-80.		1880-81.	
	Produce. Tons.	Not Produce. Tons.	Produce. Tons.	Not Produce. Tons.	Produce. Tons.	Not Produce. Tons.	Produce. Tons.	Not Produce. Tons.
Amherst.....	276	..	125	..	1,154	..	925	..
Antigonish.....	..	..	..	..	..	..	84	..
Baddeck.....	..	..	..	..	..	..	..	..
United States.....	85	..	133	..	1,232	..	496	..
Newfoundland.....	18	..	..	..	215	..	456	..
Saint Pierre.....	..	..	..	..	..	..	..	..
Total.....	103	..	133	..	1,447	..	952	..
Cornwallis.....	..	..	184	..	..	..	..	..
Digby.....	40	..	..	..	..	..	..	..
B. W. Indies.....	..	..	..	..	..	..	..	..
Saint Pierre.....	..	..	..	..	..	..	25	..
Guysboro.....	..	..	..	..	..	..	..	..
Halifax.....	..	..	..	..	..	..	..	..
Great Britain.....	760	..	..	..	1,600	..	977	..
United States.....	712	..	..	..	734	..	2,530	..
Newfoundland.....	..	..	4	..	127	..	13	..
B. W. Indies.....	..	..	530	..	612	..	..	..
S. W. Indies.....	323	..	325	..	607	..	1,409	..
D. W. Indies.....	..	..	..	..	379	..	80	..
British Guiana.....	177	..	361	..	395	..	106	..
France.....	..	..	..	..	..	..	1,116	..
Germany.....	..	..	..	..	..	..	1,120	..
Belgium.....	..	..	..	..	260	..	..	200
Total.....	1,972	..	1,353	4	4,714	..	7,351	200

North Sydney	346	415	2,451	645
United States	24,938	30,288	30,288	25,796
Newfoundland		203	275	1,005
B. W. Indies				29)
S. W. Indies				3,838
F. W. Indies	3,257	3,283	4,708	
Saint Pierre				
Total	28,541	34,189	37,672	31,604
Parraboro				
United States		1,774	3,582	5,002
Pictou				
United States	13,887	6,194	24,057	25,241
Newfoundland	920	1,101	400	1,200
B. W. Indies	690			209
S. W. Indies	3,670	4,798		3,628
Great Britain				
South America		523		
British Guiana	483			
Total	19,650	12,616	24,457	30,276
Shelburne				
Newfoundland		4		7
Sydney				
United States	105,204	55,428	33,119	77,144
Newfoundland	21,136	16,537	21,241	24,486
B. W. Indies		628	226	1,372
S. W. Indies	7,544	10,171	4,562	10,395
F. W. Indies				280
D. W. Indies	600	361		
South America	377	514	622	639
Saint Pierre				
Total	134,861	83,630	59,770	114,325
Yarmouth				
F. W. Indies			100	
Grand Totals	185,443	134,017	132,796	190,551
		4	100	200

J. JOHNSON,  
Commissioner of Customs.

CUSTOMS DEPARTMENT,  
OTTAWA, 11th March, 1882.

STATEMENT showing the quantity of Coal carried upwards through the St. Ann's Lock, on the Ottawa River, during the years 1877-78, 1878-79, 1879-80, 1880-81, respectively :

	Tons.
1877-78 .....	52,644
1878-79 .....	47,700
1879-80 .....	52,082
1880-81 .....	49,057
Total.....	201,483

A. BRUNEL,  
*Commissioner.*

INLAND REVENUE DEPARTMENT,  
OTTAWA, 24th March, 1882.

STATEMENT showing the quantity of Coal carried upwards through the St. Lawrence Canals during the years 1877-78, 1878-79, 1879-80, 1880-81, respectively :

	Tons.
1877-78 .....	34,626
1878-79 .....	27,940
187-80 .....	33,305
1880-81 .....	31,402
Total.....	127,273

A. BRUNEL,  
*Commissioner.*

INLAND REVENUE DEPARTMENT,  
OTTAWA, 24th March, 1882.

## RETURN

(119)

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1882:—For Copies of all Petitions from the Customs Boatmen of the City of Quebec, applying to be supplied with Official uniforms, and of the Replies to such applications since 1874.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
29th March, 1882.

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## RETURN

(120)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For a Statement of the Goods which were manufactured in the Province of Quebec, and exported to British Columbia, between the 1st January, 1880, and the 1st January, 1882; and also a Statement showing the value of these Goods and the names of the Vessels in which they were carried.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
28th March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]

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## RETURN

(121)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882 :—For a Statement of the Expenditure on account of the Militia in Canada from the 1st July, 1874 up to the 1st July, 1879, and since the 1st July, 1879 up to the present date.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
28th March, 1882.

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## RETURN

(121a)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882 :—For Copies of all Reports from General Luard and from any other Officer or Court of Enquiry relative to matters connected with the command or discipline observed in the 27th Battalion of Volunteer Militia; and also of any Departmental Order made in relation to the same, and Copies of all Complaints or Representation from any Officer of the said Battalion or other Correspondence.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
30th March, 1882.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]*

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## RETURN

(122)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882 :—For a Copy of opinion or Judgment of Mr. Justice Jetté, in a recent case affecting the validity of a Marriage in the Province of Quebec, in which certain questions were referred to an Ecclesiastical Authority.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State.  
27th March, 1882.

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## RETURN

(123)

To an ADDRESS of the HOUSE OF COMMONS, dated 13th March, 1882 :—For a Copy of all Papers, Correspondence and Orders in Council, relating to the dismissal or resignation of Captain Allan from the Public Service.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
28th March, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

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## RETURN

(124)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882:—For Copies of all Claims made under the Manitoba Act by Half-Breed Minors and others who were temporarily absent on the 15th day of July, 1880.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
27th March, 1882.

*Secretary of State.*

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## RETURN

(125)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For a Copy of all Correspondence concerning the Boat Licensing System, and its operation as it affects the Georgian Bay, Ontario, any Applications or Correspondence on the subject of the formation of a Company to become the sole Licensees of all or a large area of these Fishing Grounds and copies of any Departmental or other action thereon.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th March, 1882.

*Secretary of State.*

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*In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]*



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## RETURN

(126)

To an ORDER of the HOUSE OF COMMONS, dated 22nd March, 1882 :—For Copies of all Correspondence, Papers, &c., received by the Government, since the 17th February, 1881—the date of a former return—relating to Harbor Improvements at Souris West, in Prince Edward Island.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
3rd April, 1882.

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## RETURN

(127)

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1882 :—For a Copy of the Petition of the Citizens of Hamilton for the purchase of a site and erection thereon of a new Custom House and other Government Offices, and all Papers and Correspondence connected therewith.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
3rd April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(128)

To an ADDRESS of the HOUSE OF COMMONS, dated 13th February, 1882;—  
For a Return showing the amount paid for Printing, by order of the Government, to any person or persons other than the Contractor for Parliamentary Printing, the persons or firms to which such money was paid, and the nature of the work done or the name of the document printed.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
1st April, 1882.

*Secretary of State.*

OTTAWA, 31st March, 1882.

SIR,—I have the honor to transmit herewith, in compliance with the Orders of the House of 13th February and your references 17 and 18, Returns showing the amount paid for printing and advertising by the various Departments of the Government, as follows:—Departments of Agriculture, Customs, Interior, Indian, Marine and Fisheries, Railways and Canals, Militia, Secretary of State, Finance, Public Works, Justice, Post Office and Inland Revenue.

I am, Sir, yours, &c.,

E. J. LANGEVIN, Esq., U.S.S.

J. L. McDOUGALL, Auditor-General.

OTTAWA, 14th March, 1882.

SIR,—Adverting to your letter of the 17th ult., and to the Address of the House of Commons of the 13th of that month therein referred to, I have the honor to transmit to you herewith, a Return showing the amount paid by this Department for printing to any person or persons other than the Contractor for Parliamentary Printing, the persons or firm to which such money was paid, and the nature of the work done and the name of the document printed.

I have the honor to be, Sir, your obedient servant,

EDOUARD J. LANGEVIN, Under-Secretary of State.

The Auditor-General of Canada.

No. 65.

Sept. 18, 1878.—Paid *Free Press* for printing 1,000 pamphlets on financial question, \$80.00; and 2,000 circulars, \$10.00..... \$90 00  
Paid per cheque 717, Accountant of Contingencies, 22nd September, 1878.

T. R., 15th March, 1882.

POST OFFICE DEPARTMENT, CANADA,

OTTAWA, 15th March, 1882.

SIR,—I am to acknowledge the receipt of your letter of 17th ult. and to enclose herewith, as requested, a Return of amounts paid for printing to others than the Contractors, by order of the Government, from the 1st July, 1878, to 31st December, 1881.

I am, Sir, your obedient servant,

J. L. McDOUGALL, Esq., Auditor-General, Ottawa.

W. WHITE, Secretary.

RETURN showing the amount paid for Printing for the Post Office Department, by order of the Government, to any person or persons other than the Contractor for the Parliamentary Printing, the person or firms to which such money was paid, the nature of the work done, and the name of the document printed.

Year.	Names of Persons or Firms.	Nature of Work.	Total Cost.
			\$ cts.
1878-79.	<i>Ottawa Free Press</i> .....	Printing Blank forms.....	337 18
	Blackadar Bros.....	do Memoranda to Postmasters.....	13 00
	<i>Ottawa Citizen</i> .....	do Blank forms, &c.....	619 16
	G. E. Desbarats.....	do Pay-list cheques.....	32 00
	L. D. Desjardins.....	do Distribution books.....	100 00
	J. Cameron & Co.....	do do.....	20 00
1880.....	<i>Ottawa Citizen</i> .....	do Blank forms.....	894 70
	<i>Winnipeg Times</i> .....	do Post Office labels.....	42 50
	<i>St. John Sun</i> .....	do Blank forms.....	8 00
1881.....	S. & E. F. Stephenson.....	do Postal guides.....	4,208 39
	<i>Ottawa Citizen</i> .....	do Post Office forms.....	1,041 86
	do <i>Herald</i> .....	do do do.....	1,039 00
	<i>St. John Sun</i> .....	do do do.....	1,156 85
	<i>Winnipeg Times</i> .....	do do labels.....	34 50
			9,547 14

1878-9.....	\$1,121 34
1880.....	945 20
1881.....	7,480 60
	\$9,547 14

STATEMENT of amounts paid to others than the Contractor for Parliamentary Printing, by the Department of Militia and Defence, from 1st July, 1878, to 31st December, 1881.

Militia and Defence 01839.	1879-80.	1880-81.	1st July to 31st Dec., 1881.	Total.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Geo. E. Desbarats, Montreal, Printing and Engraving Military School Certificates.....	93 00	35 00	.....	128 00
L. W. Shannon, Kingston, Printing and Binding Books for Royal Military College.....	.....	286 50	.....	286 50
<i>Morning Chronicle</i> , Quebec, Printing Militia List.....	.....	.....	932 91	932 91
Total.....	.....	.....	.....	\$1,347 41

M. & D. 01839.

G. EUGENE PANET, Lieut.-Col., Deputy Minister of Militia.  
DEPARTMENT OF MILITIA AND DEFENCE, OTTAWA, 8th March, 1882.

CUSTOMS DEPARTMENT, OTTAWA, 18th March, 1882.

SIR,—In compliance with the terms of your circular letter of 17th ultimo, I beg to send herewith a statement of printing done by other than the Government Contractor, in connection with this Department, from 1st July, 1878, to 31st Dec., 1881.

I am, Sir, yours obediently,

W. S. PARMALEE, Accountant.

J. L. McDougall, Esq., Auditor-General, Ottawa.

STATEMENT of Printing done, other than by the Government Contractor, for the Customs Department, from 1st July, 1878, to 31st December, 1881, as called for by Order of the House of Commons of 13th February, 1882.

Where Paid.	To whom Paid.	Amount	Nature of Work done.
		\$ cts.	
Victoria, B.C. ....	J. K. Suter, July 29, 1878.....	24 00	{ 1,000 forms Free Entry. 1,000 do Clearances. 500 Permits.
Montreal, Que.....	<i>Herald</i> Office, Jan. 21, 1879.....	32 75	{ 2,000 Postal Cards. 1,000 Circulars re Goods received from other Ports.
do .....	<i>Gazette</i> Printing Co., Feb. 14, 1878	2 50	Extracts from Customs Act of 1877 for distribution.
Toronto, Ont.....	<i>Globe</i> Pub. Co., June 15th, 1877...	6 75	200 copies Appraisers' Oath.
Montreal, Que.....	<i>Gazette</i> Printing Co., R. White, March 14, 1879.	5 00	500 Note Circulars of Post Office Notice.
Ottawa, Ont.....	<i>Citizen</i> Pub. Co., Jan. 18, 1879....	5 00	2,000 Postal Cards.
Montreal, Que.....	<i>Gazette</i> Pub. Co., R. White, April 5, 1879.	30 00	Blanks for Duty Ex-Ship. 6 Bills.
Victoria, B.C. ....	<i>Standard</i> Printing Office, May 3, 1879.	6 00	{ 500 Daily Statements. 400 Circulars.
Montreal, Que.....	<i>Gazette</i> Pub. Co., R. White, June 5, 1879.	13 00	{ 100 Deposit Checks. 100 Returns of Deposit.
Halifax, N.S.....	<i>Morning Herald</i> Pub. Co., March 26, 1879.	8 00	500 Postal Notices.
Prescott, Ont.....	Charles J. Hines, June 6, 1879 ....	3 00	500 circulars.
Montreal, Que.....	<i>Gazette</i> Printing Co., July 15, 1879	5 00	2,000 Postal Cards and forms of Tender for Coal.
do .....	do Sept. 12, '79.	32 50	2,000 Postal Cards.
Montreal, Que.....	do Feb. 2, 1880.	27 50	500 note circulars for Postal Pack- ages.
Ottawa, Ont.....	<i>Citizen</i> Pub. Co., Aug. 15, 1879 ...	3 75	1 Index Book, made to order. 500 Gummed Labels.
Montreal, Que.....	W. H. McLean, Dec. 5, 1879 .....	2 75	{ 1 Receipt Book. 2,000 Postal Cards.
Toronto, Ont.....	Brown Bros., Feb. 20, 1880 .....	12 50	{ 250 Reports Inwards. 500 Postal Cards.
Montreal, Que.....	<i>Gazette</i> Pub. Co., June 4, 1880 ....	35 00	{ 500 Envelopes. 2,000 Postal Cards.
London, Ont.....	John Cameron & Co., Dec. 15, '79.	7 50	500 Postal Cards.
Hamilton, Ont.....	<i>Spectator</i> Pub. Co., Mar. 5, 1880..	2 00	500 Envelopes.
London, Ont.....	John Cameron & Co., April 19, '80	27 00	2,000 Postal Cards.
New Westminster, B.C.....	J. C. Brown, June 30, 1880.....	10 00	{ 500 Voucher forms. 100 Weekly Reports. 500 Landing Warrants.
Montreal, Que.....	<i>Gazette</i> Pub. Co., July 9, 1880.....	17 50	{ 1,000 circulars re Expiration of Bond.
St. John, N.B.....	R. Hunter, Sept. 25, 1880 .....	4 35	500 Distribution Sheets.
Victoria, B.C .....	<i>Daily Standard</i> , Sept. 15, 1880....	3 50	250 Clearances.
Montreal, Que.....	<i>Gazette</i> Pub. Co.....	30 00	{ Inward Reports, 1,000. Report Numbers, 500.
do .....	do Sept. 8, 1880.....	6 00	Reports Inwards, 250.
do .....	do Dec. 3, 1880.....	16 50	1,250 Postal Cards (2 kinds).
do .....	do Feb. 2, 1881.....	10 00	1 Index Book and 1 Seizure Book.
Hamilton, Ont.....	<i>Spectator</i> Pub. Co., Feb. 14, 1881.	3 50	1,000 circulars re Postal Packages.
St. Catharines, Ont.....	J. W. Gorman, Feb. 8, 1881.....	2 50	500 Postal Card Notices.
Montreal, Que.....	<i>Gazette</i> Pub. Co.....	25 50	{ 500 Reports. 1,250 Postal Cards (2 kinds).
Toronto, Ont.....	E. F. Clark, May 5, 1881.....	3 50	1,000 circulars re Postal Packages.
do .....	do May 30, 1881.....	3 50	2,000 note circulars.
do .....	do June 15, 1881.....	3 50	2,000 labels "In Bond."
Victoria, B.C .....	<i>Daily Standard</i> , June 24, 1881 ....	5 00	500 Reports.
Montreal, Que.....	<i>Gazette</i> Pub. Co., June 16, 1881 ...	7 50	{ 1,000 Postal Cards. 500 Warehousing Bond blanks.
do .....	do July 7, 1881 .....	25 00	100 cards "Smoking prohibited."
Toronto, Ont.....	E. F. Clark, July 29, 1881 .....	2 75	1,000 Returns of Coal.
do .....	do Aug. 26, 1881 .....	4 00	500 circulars.
Montreal, Que.....	<i>Gazette</i> Pub. Co., Aug. 8, 1881....	3 00	6 Notices of Removal.
Fredericton, N.B.....	H. E. Carsley, Sept. 8, 1881.....	1 00	

STATEMENT of Printing done, other than by the Government Contractor, for the Customs Department, &c.—*Concluded.*

Where Paid.	To whom Paid.	Amount	Nature of Work done.
		\$ cts.	
Montreal, Que.....	Gazette Pub. Co., Oct. 21, 1881....	14 00	{ 500 General Landing Warrants. 500 Postal Cards.
Toronto, Ont.....	E. F. Clark, Nov. 11, 1881.....	5 75	
St. John, N.B. ....	Barnes & Co., Dec. 30, 1881.....	8 00	{ 200 Certificates. 500 Tide Waiters' Distribution sheets.
Montreal, Que.....	Gazette Pub. Co., Dec. 17, 1881....	15 00	1,000 Postal Card Notices.
New Westminster, B.C....	J. T. Williams, Dec. 6, 1881.....	9 00	2 Books, to order.
		\$531 35	

W. S. PARMELEE, Accountant.

CUSTOMS DEPARTMENT, OTTAWA, 18th March, 1882.

INLAND REVENUE DEPARTMENT, OTTAWA, 28th Feb., 1882.

SIR,—In reply to your communication of the 17th instant, I have the honor to enclose a statement showing the amount paid by this Department for printing, by order of the Government, to any person or persons other than the Contractor for Parliamentary Printing, from the 1st July, 1878, to 31st December, 1881.

I have the honor to be, Sir, your obedient servant,

A. BRUNEL, Commissioner.

J. L. McDOUGALL, Esq., Auditor-General, Ottawa.

STATEMENT, in reply to Ref. 37,624, showing the amount paid for Printing, by order of the Government, to any person or persons other than the Contractor for Parliamentary Printing, &c., &c., from 1st July, 1878, to 31st December last.

Date of Payment.	To whom Paid.	Nature of Work done.	Amount.
1878.			\$ cts.
Dec. 24, 1880.	Duvernay Frères.....	Notices of Inspection Districts, &c. ....	95 20
Oct. 28, 1881.	Rouillard, Jos.....	Printing pamphlets on Canadian Tobacco, &c.	300 00
Nov. 16, 1881.	Williams, Sleet & Macmillan.....	Examination papers.....	37 50
Nov. 15.	do do .....	do .....	40 00
		Total .....	\$472 70

A. BRUNEL, Commissioner.

INLAND REVENUE DEPARTMENT, OTTAWA, 28th Feb., 1882.

## DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 13th March, 1882.

SIR,—In reply to your letter of the 17th February last, asking for a statement, to be laid before the House of Commons, of the amount paid by this Department for printing, by order of the Government, to any person or persons other than the Contractor for Parliamentary Printing, the persons or firms to which such money was paid, and the nature of the work done or the name of the document printed from the 1st July, 1878, to the 31st December last; I have the honor to inform you that no money has been paid by this Department during the period stated to any persons or firms other than the Contractor for the Parliamentary Printing.

I have the honor to be your obedient servant,  
A. POWER, for D. M. J.

J. L. McDOUGALL, Esq., Auditor-General, Ottawa.

## DEPARTMENT OF PUBLIC WORKS, OTTAWA, 10th March, 1882.

SIR,—As called for in your letter of the 17th ult., I have the honor to enclose a statement showing the amount paid by this Department for printing, to persons other than the Contractor for Parliamentary Printing, from the 1st July, 1878, to the 31st December last.

I have the honor to be, Sir, your obedient servant,  
F. H. ENNIS, Secretary.

J. L. McDOUGALL, Auditor-General, Ottawa.

## STATEMENT of Printing done for the Department of Public Works by other than the Printing Contractors, from 1st July, 1878, to 31st December, 1881.

Date.	No. of Ch.	Name of Firm.	Appropriation.	Nature of Work— Printing.	Amount.
1878.					\$ cts.
Nov. 2	56	Ottawa Free Press...	St. Anne's Lock.....	Specifications .....	92 52
1879.					
Jan. 17	387	Ottawa Citizen Co....	Intercolonial Railway .....	Circulars .....	95 54
do 18	389	do .....	Canadian Pacific Railway .....	Specifications .....	375 11
Feb. 27	568	do .....	Lachine Canal .....	do .....	72 00
Apr. 17	Cont.	do .....	.....	Bill for establishment of Railways and Canals Department .....	116 28
May 10	991	do .....	Canadian Pacific Railway.	Specifications .....	36 10
July 4	Cont.	do .....	.....	Pamphlets .....	42 50
Sept. 9	1854	Gazette d' Ottawa.....	Slides and Booms.....	Specifications .....	51 50
Oct. 22	2182	do .....	New London, P.E.I.....	do .....	7 00
do 30	Cont.	Ottawa Citizen Co....	.....	Blank forms .....	34 48
Nov. 7	do	Gazette d' Ottawa.....	.....	.....	126 80
do 10	do	do .....	.....	Letter backs .....	3 00
do 10	do	do .....	.....	Bulletin, Signal Service.	21 75
do 13	do	Le Canada, Ottawa .	.....	Appropriation list.....	92 40
do 15	2327	do do .....	Land and Cable Telegraph Lines .....	Bulletins .....	11 50
do 22	2352	do do .....	Quebec Fortifications.....	Specifications .....	24 90
do 25	2364	St. John, N.B., Sun..	Dredging, Maritime Pro- vinces .....	Evidence re Lunt vs. Lloyd .....	95 75
do 28	2373	Le Canada, Ottawa..	St. Johns, Que., Post Office.....	Specifications .....	37 00

STATEMENT of Printing done for the Department of Public Works, &c.—*Concluded.*

Date.	No. of Ch.	Name of Firm.	Appropriation.	Nature of Work— Printing.	Amount.
1880.					\$ cts.
Jan. 26	233	Ottawa Gazette .....	New London, P.E.I.....	Specifications.....	7 00
do 26	Cont.	Le Canada, Ottawa.....	.....	Form of receipt, &c.....	9 00
do 29	do	do .....	.....	Lists of cheques.....	10 20
Mar. 5	394	do .....	Land and Cable Telegraph Lines.....	Circulars .....	4 00
do 20	457	Quebec Canadian ....	Quebec Fortifications.....	Specifications .....	84 50
do 31	509	Houghton, Osgoode & Co., Boston.....	Public Buildings Generally Land and Cable Telegraph Lines .....	.....	3 75
Apr. 3	518	Le Canada, Ottawa .....	.....	Circulars .....	4 00
do 10	Cont.	do .....	.....	Letter on fishery statis- tics, Province of Quebec	12 00
do 15	2372	Montreal Gazette.....	.....	Circulars .....	8 00
do 15	518	Le Canada, Ottawa.....	.....	Memo. re tolls on canals and harbors.....	4 00
May 28	806	do .....	Land and Cable Telegraph Lines.....	Posters .....	8 00
Nov. 6	Cont.	do .....	.....	Statement re Harbor of Montreal .....	44 50
do 19	do	do .....	.....	30 copies letter from Que- bec Board of Trade re Port charges.....	11 90
1881.					
Jan. 17	1916	St. John, N.B., Pub- lishing Co.....	Harbors, Maritime Pro- vinces.....	Printing, &c.....	15 50
Apr. 22	.....	Ottawa Citizen Co.....	.....	Reports on state of To- ronto Harbor.....	*322 19
May 25	.....	do .....	.....	Fishery bulletin .....	20 30
do 14	.....	do .....	.....	Extracts from Trade and Navigation Returns....	29 80
Aug. 27	4164	do .....	.....	Circulars .....	9 00
Sep. 21	Cont.	Ottawa Herald.....	.....	Programmes.....	5 00
do 28	do	Winnipeg Times.....	.....	Placards for Winnipeg Architect's office.....	2 50
			Total .....	.....	1,951 27

\*Contingencies, \$291.75; cheque, 3044.

Correct.

J. H. P. GIBSON, Examined for Auditor-General.

FINANCE DEPARTMENT, OTTAWA, 15th March, 1882.

SIR,—I have the honor to enclose a memorandum of the amounts paid by this Department for printing to other than the contractors from 1st July, 1878, to 31st December last.

Yours very truly,  
J. M. COURTNEY, D.M.F.

J. L. McDougall, Esq.

OTTAWA, 14th March, 1882.

	\$	cts.
1878-79.— <i>Citizen Printing Co.</i> , Printing Budget Speech (Part ii., p. 200)...	282	00
1879-80.— <i>Citizen Printing and Publishing Co.</i> (Part ii., p. 62) .....	11	50
1879-80.— <i>Citizen Printing Budget Speech</i> (Part ii., p. 195).....	330	00
1879-80.— <i>Le Canada</i> do do do .....	211	20
1880-81.— <i>Citizen Printing and Publishing Co.</i> , Printing (Part ii., p. 64)....	14	33
1880-81.— <i>Citizen Printing Budget Speech</i> (Part ii., p. 206).....	344	50
1880-81.— <i>Le Canada</i> .....	133	50
1881-82.— <i>Citizen Printing Co.</i> .....	21	25
	<u>1,350</u>	<u>28</u>

DEPARTMENT OF AGRICULTURE, OTTAWA, 6th March. 1882.

SIR,—In reply to your letter of the 17th ultimo, respecting printing for this Department done by other persons than the Contractor for the Parliamentary printing, since 1st July, 1878, I am to enclose to you herewith a detailed statement of the same.

In the Public Accounts, printing and advertising in some cases appear together. Such advertising being either in pamphlets or almanacs, and not in newspapers, will cause a difference in the printing account as rendered in detail, from that shown in the Public Account.

I have the honor to be, Sir, your obedient servant,

H. B. SMALL, for the Sec'y Dept. of Agriculture.

To the Auditor-General, Audit Office, Ottawa.

DEPARTMENT OF AGRICULTURE, OTTAWA, 28th March, 1882.

SIR,—I am to enclose to you, herewith, a statement showing the amounts paid for printing by this Department to persons and firms other than the Contractor for Parliamentary Printing, the nature of the work done and name of the document or publication printed, from 1st July, 1878, to 31st December, 1881.

Also the amount of money paid for advertising in the various newspapers of Canada, and the names of such newspapers, within the period above mentioned.

In the statement referred to, the term printing is not held to include pamphlets or other publications simply purchased for distribution for promoting immigration, nor any advertising in almanacs or pamphlets.

The printing and advertising include the sums paid for such services through the London Agency.

I have the honour to be, Sir, your obedient servant,

JOHN LOWE, Sec'y Dept. of Agriculture.



## DEPARTMENT OF AGRICULTURE.

## SUMMARY of Expenditure for Printing and Advertising.

Date.		Advertising in Newspapers.	Printing.
		£ s. d.	\$ cts.
<i>Printing.</i>			
1878-79.....	Expenditure in Canada, Folio 1.....		3,052 05
	do England do 5.....	261 13 3	1,273 42
1879-80.....	do Canada do 2.....		12,136 02
	do England do 6.....	1,102 19 9	5,367 87
1880-81.....	do Canada do 3.....		13,892 34
	do England do 7.....	2,356 17 1	11,470 02
1881-82.....	do Canada do 4.....		8,599 44
	do England do 8.....	1,027 14 9	5,001 66
			60,792 82
<i>Advertising.</i>			
1878-79.....	Expenditure in Canada .....		16 10
<i>Patent Record.</i>			
1878-79.....	Expenditure, Folio 9.....		6,275 42
1879-80.....	do do 9.....		4,502 97
1880-81.....	do do 9.....		8,244 95
1881-82.....	do do 9.....		4,197 65
			23,220 99
1878-79.....	S. Marcotte (Quebec), balance on 20,000 Manitoba Pamphlets .....		360 00
	do do for 50,000 French do .....		1,620 95
	Bradford Bros. (Sherbrooke), 30,000 Eastern Townships Pamphlets.....		377 60
	Burland Desbarats & Co., 10,000 Maps and 8,000 Views for Pamphlets.....		693 50
	<i>Pembroke Standard</i> , Advertising Cattle Quarantine Rules.....	5 88	
	<i>The Eganville Enterprise</i> do do do .....	5 06	
	<i>Bellefeuille Intelligencer</i> do do do .....	5 16	
			16 10
			3,052 05
1879-80.....	<i>Citizen Printing Co.</i> (Ottawa), 40,000 Information for Immigrants .....		1,394 84
	do do Note Circulars.....		4 12
	S. Marcotte (Quebec), 20,000 Information for Immigrants, and 26,500 Lake St. John Pamphlets.....		1,107 35
	Burland Desbarats & Co. (Montreal), Views and Maps for Pamphlets.....		4,480 33
	Bradford Bros. (Sherbrooke), 30,000 Eastern Townships Pamphlets .....		265 20
	J. Wilson (Ottawa), account of 40,000 Pamphlets.....		1,200 00
	L. Belanger (Ottawa), 10,000 "Le Nord-Ouest" .....		281 60
	Cie. Imp. Canadienne (Sherbrooke), 10,000 Manitoba.....		505 70
	J. Thibault (Montreal), 2nd Edition 10,000 do .....		375 00
	<i>Le Canada</i> (Ottawa), 10,000 "North-West" .....		312 60
	Cie. Typ. des Cantons de l'Est (Sherbrooke), 105,000 Manitoba.....		2,205 88
	<i>Listowel Standard</i> (Listowel) .....		3 40
			12,136 02

## DEPARTMENT OF AGRICULTURE—Summary of Expenditure, &amp;c.—Continued.

Date.		Advertizing in Newspapers.		Printing.	
		\$	cts.	\$	cts.
1880-81.....	Burland Lith. Co. (Montreal), Plates, Views and Maps.....			8,631	10
	C. D. Theriault (Montreal), 10,000 "Le Nord-Ouest".....			281	60
	John Lovell & Son (Montreal), 30,000 German, Manitoba.....			318	00
	Cie. Imp. Canadienne (Ottawa) 111,400 Leaflets.....			483	60
	Cie. Typ. des Cantons de l'Est (Sherbrooke), 10,000 "Le Grand Occident".....			748	67
	<i>Industrial World</i> Pub. Co. (Ottawa), 30,000 Information for Immigrants.....			1,900	02
	<i>Gazette</i> Pub. Co., (Montreal), 160,000 Immigration, Posters....			1,529	35
				13,892	34
(1st July to 31st Dec.)					
1881-82.....	J. J. Foote (Quebec), 30,000 "What Farmers Say".....			1,389	64
	J. Lovell (Montreal), 30,000 German Pamphlets.....			277	00
	Burland Lith. Co. (Montreal), 280,000 Leaflets and Maps.....			1,406	90
	Nagle & Bennett (Ottawa), 20,000 Gov.-Gen's Speech, German do do on account New Edition.....			600	00
	<i>Industrial World</i> Pub. Co., (Ottawa), 20,000 Information for Immigrants.....			822	18
	<i>Industrial World</i> Pub. Co. (Ottawa), 25,000 Gov.-Gen's Speech.....			1,125	00
	Bradford Bros. (Sherbrooke), 10,000 Eastern Townships.....			99	20
	do do 30,000 Manitoba.....			484	99
	<i>Le Canadienne</i> (Quebec), 20,000 Tenant Farmers' Report.....			1,431	30
	Cie. Typ. des Cantons de l'Est (Sherbrooke), 10,000 Manitoba and North-West.....			713	23
				8,599	44
	<i>Printing in England.</i>				
				£	s. d.
1878-79.....	W. Banks (London, Eng.), Printing and Mailing Agent's Lecture.....			8	2 6
	F. W. Potter & Co. (London), 250 Posters.....			1	16 6
	Foulks & Evans (London), 5,000 Welsh Pamphlets....			12	0 0
July.....	S. W. Rowsell.....			16	1 9
September..	W. H. Smith & Sons.....			208	5 5
October.....	S. W. Rowsell.....			10	17 0
June.....	A. N. Kupp.....			4	10 1
				261	13 3
1879-80.....	McCorquodale & Co. (London), Printing 5,000 Posters.....			6	8 6
	do do do 2,000 Subject Forms.....			1	5 0
	Turner & Dunnett (Liverpool), account, Printing 50,000 Ten- ant Farmers' Report.....			1,000	0 0
	McCorquodale & Co. (London), 10,000 Cattle Breeding Pamph. do do 1,000 Wrappers.....			31	17 0
	do do 2,000 Forms, S.S.....			0	5 6
	do do 2,000 do.....			0	16 0
	do do 2,000 do.....			1	5 0
	do do 20,000 do.....			16	10 0
	do do 25,000 do.....			18	10 0
	do do 6,026 Farm Stock Pamph....			21	0 0
	do do 5,000 Assisted Passage Forms.....			4	5 0
	do do 2,000 Wrappers.....			0	11 0
	do do 500 Voucher Forms.....			0	6 9
				1,102	19 9
				\$5,367	87

DEPARTMENT OF AGRICULTURE—Summary of Expenditure, &c.—Concluded.

Date.		Advertizing in Newspapers.	Printing.
		£ s. d.	£ s. d.
1880-81.	Turner & Dunnett (Liverpool, Eng.) account 50,000 Tenant Farmers' Report.....		877 4 0
	do balance do .....		463 17 4
	do 100,000 Application Forms.....		146 16 11
August.....	W. Andrews (London, Eng.), small pamphlets.....		10 0 0
	Billing & Son (Liverpool), Tenant Farmers' Reports.....		200 0 0
	McCorquodale (London), Slips and Forms.....		6 19 6
	do 4,000 Subject Forms.....		1 12 0
	S. W. Silver (London), 1,000 "Future of Canada" .....		3 15 2
	Lake & Sisson (London), Office Printing .....		19 10 6
do .....	Thos. Moore "Tour through Canada".....		83 6 8
November .....	Arless Andrews, Pamphlets.....		43 15 0
April .....	Billing, Sons & Co.....		500 0 0
			£2,356 17 1
			\$11,470 02
1st July to 31st Dec., 1881-82 ....	Billing & Sons (London, Eng.), account, Tenant Farmers....		245 0 0
	do balance on future Granary, 50,000.....		
	do Jacques' Report, 12,000.....		
	do Sheldon's do 500.....		
	do Imrie's do 500.....		178 0 0
	do Galt's Pamphlets, 1,000.....		
	do Colonial Office Pamphlets, 25,000 .....		
	do 50,000 Tenant Farmers' Report.....		315 10 0
	do 50,000 Leaflets.....		
	Lake & Sisson (London, Eng.)—		
	Posting 5,000 copies Letters from Canada.....		1 15 0
	do 5,000 do do .....		1 12 0
	do 500 do Free Grants.....		0 18 6
	Lake & Sisson, 5,000 C.P.R. Pamphlets.....		
	Posting 5,000 Land Grants.....		
	do 2,000 Letters.....		8 12 9
	do 1,000 Manitoba.....		
	do 100 do Crops.....		
	McClure & McDonald (London), 50,000 Maps.....		276 6 6
	do do 41,000 do .....		
			£1,027 14 9
			\$5,001 66
PRINTING "PATENT RECORD."			
(By Contract under authority of Order in Council, dated 3rd November, 1874.)			
1878-79.....	Burland, Desbarats & Co., printing <i>Patent Record</i> .....		\$6,275 42
1879-80.....	do do .....		4,502 97
1880-81.....	do do .....		8,244 95
1881-82.....	do do .....		4,197 65
(1st July to 31st Dec.)			\$23,220 99

DEPARTMENT OF THE INTERIOR, DOMINION LANDS OFFICE,  
OTTAWA, 20th March, 1882.

Summary of expenditure for Printing, by order of the Government, paid to any person or persons other than the Contractor for the Parliamentary Printing since the 1st July, 1878, to the 31st December, 1881. For details see Statement attached, cost of binding books and pamphlets, &c., included.

Amounts marked (\*) do not appear in the Public Accounts, having been paid directly by the Agents of outside offices.

† These in detailed statement.

WILLIAM MILLS, Accountant.

Name of Newspapers, Person or Persons, and Locality.	Amount paid to each.	Amount paid in each Province.
PROVINCE OF MANITOBA.		
	\$ cts.	\$ cts.
<i>Free Press</i> , Winnipeg, as per folio 2.....	378 00	
<i>International</i> , Emerson do 2.....	114 75	
<i>Mountaineer</i> , Nelsonville do 3.....	54 00	
<i>Standard</i> , Winnipeg do 3.....	512 75	
<i>Tribune</i> do do 3.....	232 75	
<i>Times</i> do do 4.....	1,090 50	
Total .....		2,382 75
PROVINCE OF ONTARIO.		
<i>Citizen</i> , Ottawa, as per folio 5.....	176 56	
<i>Planet</i> , Chatham do 5.....	472 62	
T. Richardson, Ottawa, as per folio 5.....	125 00	
Total .....		774 18
PROVINCE OF QUEBEC.		
<i>Shareholder</i> , Montreal, as per folio 5.....	200 00	
Total .....		200 00
ENGLAND.		
E. Stanford, London, as per folio 5.....	240 29	
Total .....		240 29
Total amount paid for printing since 1st July, 1878, to 31st Dec., 1881. ....		\$3,597 22

WILLIAM MILLS, Accountant.

RETURN showing amount paid for Printing, by order of the Government, to any person or persons other than the Contractor for Parliamentary Printing, from 1st July, 1878, to 31st December, 1881.

Date.	Name of Newspaper or Person and nature of Work performed, and Locality.	Amount Paid.
1878.	PROVINCE OF MANITOBA.	\$ cts.
	<i>Free Press, Winnipeg</i> —	
Sept. 3...	Slips for conflicting claims, forms of affidavits, applications for homesteads, &c.....	123 75
Nov. 5...	Acknowledgments of receipts, register of grants to half-breeds, &c.....	*17 00
Dec. 9...	Extracts of Surveyor's report and posters .....	*17 00
1879.		
Jan. 14...	Applications for letters patent, returns, &c.....	*29 00
Feb. 4...	Copies of forms C, E and B.....	*17 00
June 30...	Envelopes, note paper, receipt books.....	*35 75
April 3...	Slips R. R. Lands open for actual settlements and homestead entries.....	*68 50
Nov. 7...	1,200 pamphlets .....	58 00
1880.		
June 30...	Notices .....	*12 00
	Total .....	378 00
1879.	<i>International, Emerson</i> —	
Mar. 12...	Various blank forms.....	*10 50
April 24...	300 copies of Emerson <i>International</i> .....	*15 00
May 16...	Applications for homesteads.....	*12 50
June 18...	Blank returns and applications.....	*12 50
Aug. 12...	Applications for homesteads and pre-emptions.....	*12 75
Dec. 6...	Homestead blank forms.....	*45 50
1880.		
April 9...	Land application to purchase and application for pre-emption.....	*6 00
	Total .....	114 75
1880.	<i>Mountaineer, Nelsonville</i> —	
July 31...	Applications for cancellations and vouchers .....	38 00
do 31...	Forms of acknowledgments .....	*8 00
1881.		
Jan. 15...	Application to purchase .....	*8 00
	Total .....	54 00
1878.	<i>Standard, Winnipeg</i> —	
Nov. 11...	1,500 land pamphlets .....	*89 50
1879.		
Jan.....	Envelopes and tickets .....	*13 75
March 4...	Application for homesteads, and affidavits and land pamphlets.....	*73 00
April 24...	Application to purchase Dominion Lands, and pamphlets .....	*90 50
June 30...	Forms and pamphlets.....	*110 00
July 16...	1,200 land pamphlets .....	68 00
Aug. 25...	1,200 do .....	68 00
	Total .....	512 75
1879.	<i>Tribune, Winnipeg</i> —	
Dec. 1...	Envelopes (box D), fishing reports .....	*19 75
do 12...	Land regulations, and 1,000 copies of <i>Tribune</i> .....	14 00
1880.		
Jan. 28...	do and post cards .....	25 00
Feb. 2...	Printing affidavits .....	*7 50
March 4...	Printing forms .....	*1 50
Feb. 17...	Envelopes, allotment cards, &c.....	62 75
March 5...	Books of interim receipts, &c.....	91 25
do 23...	Letter heads signed for agents .....	11 00
	Total .....	232 75

RETURN showing amount paid for Printing, by order of the Government, to any person or persons other than the Contractor, &c.—*Concluded.*

Date.	Name of Newspaper or Persons and nature of Work performed, and Locality.	Amount Paid.
1879.	PROVINCE OF MANITOBA— <i>Concluded.</i>	\$ cts.
	<i>Times, Winnipeg—</i>	
April 2...	Extracts, surveyors' returns, affidavits for land, supply returns and registers	*101 50
June 30...	Various forms	*26 50
Aug. 1...	Blank receipts, card seizures, &c	50 00
do 1...	Affidavit of homesteads, two reams of paper and forms	*66 00
Oct. 3...	Statement of cheques, homestead entries and deposit slips	20 00
Nov. 1...	Blanks of patents, circulars	65 50
Sept. ....	Posters, extracts from Dominion Lands accounts	*36 00
Dec. 27...	Job printing	*24 00
1880.		
Jan. 9...	Application return of entries, certificates	34 50
Feb. ....	Various forms	*16 50
April 19...	Homestead entries and other forms	139 00
do 26...	Return of entries, envelopes	120 00
May 14...	Various forms	*15 50
June 12...	do	*57 00
do 11...	Interim receipts, labels, sheet-bills, notices, applications, &c	225 00
do 30...	Circulars, notices, placards, applications, &c	17 00
July ....	Envelopes, Half-Breed affidavits, declarations, &c	*30 00
Aug. 31...	109 forms	*5 00
Sept. 3...	Forms for cancellation	*8 00
1881.		
Jan. 22...	Permits, card notice of seizure	*16 50
April 30...	Affidavits	*10 00
Sept. ....	Statements	*6 50
	Total	1,690 50
1880.	PROVINCE OF ONTARIO.	
	<i>Planet, Chatham—</i>	
April 8...	4,000 copies of extracts of surveyors' report	472 62
1879.	<i>Citizen, Ottawa—</i>	
July 25...	Circular slips, Dominion Lands regulations, &c	24 08
Oct. 29...	Dominion Lands regulations and field books	113 08
Nov. 7...	Copies of Dominion Land regulations	4 40
Dec. 9...	Forms of conveyance	13 25
1880.		
May 11...	Sheet bills	8 50
June 5...	Copies of Professor Macoun's letter on N.W.T.	13 25
	Total	176 56
1880.	<i>T. Richardson, Ottawa—</i>	
May 15...	5,000 copies of Mr. Plumb's speech	125 00
1880.	<i>E. Stanford, London, England—</i>	
Oct. 26...	21,000 emigration circulars	240 29
1879.	PROVINCE OF QUEBEC.	
	<i>The Shareholder, Montreal—</i>	
Dec. 11...	Dominion Lands regulations in a special English edition	200 00

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**CONSOLIDATED FUNDS.**

STATEMENT showing the Amounts paid for Printing by the Department of Indian Affairs, from May, 1880, to 31st December, 1881.

	\$	cts.
P. G. Laurie, Battleford, vouchers.....	23	50
do do do .....	30	00
do do do .....	64	00
do do do .....	208	17
do do ration lists.....	18	37
Winnipeg Times, vouchers and tickets.....	69	00
Ottawa Citizen, tender forms.....	1,018	37
do notices.....	17	50
M. A. Brennan.....	1	75
Victoria, B.C., Standard, vouchers, &c.....	73	75
R. S. Williams, Indian Census returns.....	17	85
	1,542	26

ROBT. SINCLAIR, Accountant.

DEPARTMENT OF INDIAN AFFAIRS, 21st March, 1882.

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**TRUST FUNDS.**

STATEMENT showing the Amounts paid for Printing by the Department of Indian Affairs, from May, 1880, the date of the organization of the Department, to the 31st December, 1881.

Name.	Place.	Nature of Work.	Amount.
			\$ cts.
H. Lemon.....	Brantford.....	Hand-bills.....	23 50
L. W. Smith.....	.....	do .....	2 00
Eyvell & Gorman.....	Sarnia .....	do .....	2 50
			28 00

ROBT. SINCLAIR, Accountant.

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 23rd March, 1882.

STATEMENT showing the Amounts Paid for Advertizing in Canadian Newspapers by the Department of Indian Affairs, from its organization and separation from the Department of the Interior in May, 1880, to December, 1881.

Where Published.	Name.	Trust Fund.	Consolidated Fund.
		\$ cts.	\$ cts.
Ottawa.....	Citizen.....	49 08	24 36
do.....	Orange Lily.....		12 84
do.....	Herald.....		71 90
Montreal.....	Gazette.....	42 36	66 88
do.....	Illustrated News.....		78 30
do.....	Public Opinion.....		13 90
do.....	Courier.....		44 72
do.....	Le Canada.....		172 74
do.....	Journal of Commerce.....		28 60
do.....	La Minerve.....		14 28
do.....	Shareholder.....		46 20
do.....	Nouveau Monde.....		51 38
Toronto.....	Sentinel.....	14 65	34 60
do.....	Mail.....	91 22	84 00
do.....	National.....	5 80	14 40
do.....	Telegram.....		18 50
do.....	Irish Canadian.....		28 60
do.....	Guardian.....		28 60
Kingston.....	News.....	30 16	47 68
Belleville.....	Intelligencer.....	33 28	49 58
Prescott.....	Messenger.....	12 91	11 82
London.....	Free Press.....	80 24	60 21
do.....	Herald.....	28 50	50 20
do.....	Catholic Record.....	12 20	20 55
Hamilton.....	Spectator.....	43 08	63 74
Barrie.....	Northern Advance.....	3 70	
Gananoque.....	Reporter.....	8 86	
Owen Sound.....	Times.....	7 83	
Collingwood.....	Enterprise.....	4 44	
Kincardine.....	Standard.....	3 70	
Berlin.....	Die Glocke.....	3 70	
Durham.....	Chronicle.....	3 70	
Chatham.....	Planet.....	29 54	49 30
Sarnia.....	Canadian.....	16 36	15 00
do.....	Observer.....	3 36	
Petrolia.....	Advertiser.....	10 72	
Walkerton.....	Herald.....	3 70	
Goderich.....	Star.....	4 00	
Brockville.....	Monitor.....	8 12	
Port Perry.....	Standard.....	2 72	
Algoma.....	Pioneer.....	2 66	
Winnipeg.....	Times.....		224 68
do.....	News.....		38 50
St. Boniface.....	Le Métis.....		41 62
Aylmer.....	Times.....		12 65
Quebec.....	Le Quotidien.....		34 48
do.....	Le Canadien.....		72 32
St. Catharines.....	Journal.....		79 66
Pembroke.....	Standard.....		7 96
Paris.....	Star.....		10 56
Brantford.....	Courier.....		41 24
Hull.....	Dispatch.....		12 38
Orangeville.....	Gazette.....		10 16
L'Orignal.....	Advertiser.....		8 90
Guelph.....	Herald.....		54 20
Stratford.....	Times.....		14 81
Halton.....	News.....		5 46
Picton.....	Gazette.....		3 36
Carleton Place.....	Central Canadian.....		13 73
Exeter.....	Times.....		14 34



STATEMENT showing the Amounts Paid for Advertizing in Canadian Newspapers by the Department of Indian Affairs, &c.—*Concluded.*

Where Published.	Name.	Trust Fund.	Consolidated Fund.
		\$ cts.	\$ cts.
Iroquois.....	Times.....		2 94
Peterboro'.....	Lumberman.....		6 50
Windsor.....	Review.....	3 50	
Manitoulin.....	Guide.....	2 50	
Morrisburg.....	Courier.....		9 79
Fort William.....	Herald.....		1 00
Halifax.....	Chronicle.....		61 84
Montreal.....	Herald.....		7 00
Napanee.....	Printing Company..	2 75	
Cobourg.....	do.....	4 75	
Warton.....	Echo.....	25 60	
Victoria, B. C.....	British Colonist.....		4 00
do.....	Standard.....		4 00
	Total.....	599 69	2,001 06

ROBT. SINCLAIR, Accountant.

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, March 23rd, 1882.

RETURN showing the Amounts paid by the Marine and Fisheries Department for Printing to persons other than the Contractor for Parliamentary Printing; the persons to whom such Money was paid, and the nature of the work done or the name of the Document printed.

To whom Paid.	Nature of the Work.	Amount paid.
		\$ cts.
FISCAL YEAR 1878-79.		
W. & J. Anslow.....	Printing Memorandum Papers, &c., New Brunswick Agency.....	7 00
C. Annand.....	do Blank receipts, &c., for Nova Scotia Agency.....	22 50
Halifax Herald Co.....	do Circulars, envelopes, &c. do.....	69 00
McMillan & Son.....	do Vouchers, circular heads, &c., for B. C. Agency.....	23 75
L. G. Desjardins.....	do Pay sheets, &c., Dominion Steamers.....	6 60
Peter McCourt.....	do do Steamer <i>Northern Light</i> .....	5 50
Charlottetown Examiner.	do do do.....	5 35
E. Annand.....	do Examination papers, Masters and Mates.....	21 38
R. White.....	do Vouchers, &c., Montreal Water Police.....	6 00
S. Marcotte.....	do Reports, &c., Marine and Immigrants Hospital....	13 00
M. W. Waitt & Co.....	do Forms, &c., Marine Hospital, B. C.....	16 50
FISCAL YEAR, 1879-80.		
L. G. Desjardins.....	Printing Blank receipts, forms, &c., Quebec Agency.....	31 00
L. J. Deniers.....	do do do do.....	20 50
George Day.....	do do do New Brunswick Agency.....	33 50
W. & J. Anslow.....	do Notices, &c., New Brunswick Agency.....	6 00
Halifax Herald Co.....	do do receipts, books of Quarterly returns, forms of tender, &c., Nova Scotia Agency.....	237 25
C. McK. Smith.....	do Blank receipts, vouchers, tenders, &c., British Columbia Agency.....	110 85
S. Smith.....	do Examination papers, Masters and Mates.....	34 00
S. Marcotte.....	do Reports, vouchers, &c., Marine and Immigrant Hospital	18 00
Barnes & Co.....	do do Marine Hospital, N. B.....	20 90

RETURN showing the Amounts paid by the Marine and Fisheries Department for  
Printing to persons other than the Contractor, &c.—*Concluded.*

To whom Paid.	Name.	Amount paid.
FROM 1ST JULY, 1880, TO 31ST DECEMBER, 1881.		\$ cts.
J. A. Langlois.....	Printing Forms, receipts, store sheets, &c., Quebec Agency.....	106 84
G. W. Day.....	do do pay and store sheets, &c., New Brunswick	29 50
Halifax Herald Co.....	do Circulars, returns, order books, receipts, blank forms, &c., Nova Scotia Agency.....	84 75
do.....	do Examination papers, Masters and Mates.....	26 50
Dawson & Co.....	do do do.....	10 54
S. Marcotte.....	do Returns, reports, &c., Marine and Immigrant Hospital.	59 50
Victoria Standard.....	do Requisition books, &c., Steamer <i>Sir Jas. Douglass</i> .....	6 50
		1,032 71

NOTE.—The above return covers all expenditures by the Agencies of Department. No printing was done at Ottawa except by the Contractor for Parliamentary Printing.

RETURN showing the Amounts paid by the Marine and Fisheries Department for  
Advertizing in the various Newspapers of Canada, with a List of the News-  
papers containing such Advertisements, from 31st December, 1879, to 31st  
December, 1881.

ONTARIO.

Where Published.	Name of Newspaper.	Amount.
		\$ cts.
Barrie.....	Northern Advance.....	2 88
Belleville.....	Intelligencer.....	14 20
Berlin.....	Weekly.....	13 00
Brantford.....	Conservator.....	4 56
do.....	Courier.....	5 04
do.....	Telegram.....	8 80
Chatham.....	Planet.....	35 52
do.....	Star.....	3 00
Cornwall.....	Reporter.....	7 00
Emerson.....	International.....	4 80
Exeter.....	Times.....	14 40
Fort William.....	Herald.....	3 50
Goderich.....	Star.....	10 80
Guelph.....	Herald.....	18 10
Hamilton.....	Spectator.....	25 74
do.....	Times.....	9 45
Iroquois.....	Times.....	9 24
Kingcardine.....	Standard.....	4 56
Kingston.....	Daily News.....	27 68
London.....	Catholic Record.....	3 60
do.....	Free Press.....	22 00
do.....	Herald.....	17 90
Morrisburgh.....	Courier.....	6 40
North Hastings.....	Review.....	2 40
Orillia.....	Packet.....	2 88
Ottawa.....	Citizen.....	3 00
do.....	Herald.....	3 60

RETURN showing the Amounts paid by the Marine and Fisheries Department for Advertising in the various Newspapers in Canada, &c.—Continued.

## ONTARIO—Concluded.

Where Published.	Name of Newspaper.	Amount.
		\$ cts.
Penetanguishene.....	Herald.....	3 60
Peterboro'.....	Review.....	2 00
Petrolia.....	Advertiser.....	13 44
Pictou.....	Gazette.....	11 92
Port Dover.....	Independent.....	2 00
Port Hope.....	Times.....	8 80
Prescott.....	Messenger.....	16 18
St. Boniface.....	Le Métis.....	3 00
St. Catharines.....	Journal.....	4 00
do.....	Visitor.....	5 40
Sarnia.....	Canadian.....	13 24
Sault Ste. Marie.....	Algoma Pioneer.....	5 36
St. Thomas.....	Times.....	6 48
Stirling.....	News-Argus.....	2 40
Strathroy.....	Western Despatch.....	5 60
Thornbury.....	Union Standard.....	2 80
Toronto.....	Dominion Bazaar.....	4 40
do.....	Evening News.....	3 80
do.....	Evening Telegram.....	16 00
do.....	Grip.....	12 60
do.....	Irish Canadian.....	18 80
do.....	Mail.....	42 20
do.....	Monetary Times.....	11 30
do.....	National.....	18 50
do.....	Sentinel.....	16 10
Trenton.....	Valley-Advocate.....	2 40
Windsor.....	Review.....	18 40
Winnipeg.....	Free Press.....	5 00
Woodstock.....	Times.....	7 04

## QUEBEC.

Joliette.....	La Societé d'Imp. de Joliette.....	2 70
Lévis.....	L'Ecole Primaire.....	2 48
do.....	Quotidien.....	23 62
Louisville.....	Courier de Maskinongé.....	3 50
Montmagny.....	Courier de Montmagny.....	3 70
Nicolet.....	LeMessager de Nicolet.....	2 40
Montreal.....	Canadian Illustrated.....	3 00
do.....	Courier de Montreal.....	15 30
do.....	Gazette.....	69 14
do.....	Journal of Commerce.....	16 70
do.....	La Minerve.....	31 46
do.....	Le Monde.....	8 70
do.....	Nouveau Monde.....	19 62
do.....	Post.....	19 30
do.....	Shareholder.....	44 40
do.....	Star.....	2 40
Montmagny.....	Courier de Montmagny.....	3 70
Quebec.....	Chronicle.....	105 20
do.....	Budget.....	3 70
do.....	Daily Telegraph.....	227 00
do.....	Journal.....	23 10
do.....	Le Cultivateur.....	6 50
do.....	Le Canadien.....	44 60
do.....	Le Courier de Canada.....	26 10
do.....	L'Evenement.....	24 00
do.....	Mercury.....	9 60
do.....	Nouvelliste.....	25 10
do.....	Provincial.....	11 00
Rimouski.....	Nouvelliste.....	6 50
Ste. Anne de la Pocatière.....	La Gazette des Compagnes.....	5 20

RETURN showing the Amounts paid by the Marine and Fisheries Department for  
Advertizing in the various Newspapers in Canada, &c.—Continued.

## QUEBEC—Concluded.

Where Published.	Name of Newspaper.	Amount.
		\$ cts.
St. John's .....	News.....	9 60
Sorel .....	Le Sorellois.....	6 34
do .....	News.....	2 70
Three Rivers.....	Le Constitutionnel .....	6 30

## NEW BRUNSWICK.

Chatham .....	Evening Star.....	11 40
Fredericton.....	Capital.....	2 80
do .....	Maritime Farmer.....	2 24
do .....	Reporter.....	5 20
do .....	Star.....	2 70
Miramichi.....	Gleaner.....	5 40
Moncton.....	Daily News.....	2 90
do .....	Daily Times.....	9 60
Newcastle.....	Union Advocate.....	32 98
St. John.....	Christian Visitor.....	2 10
do .....	Daily News.....	214 50
do .....	Daily Telegraph.....	16 60
do .....	Religious Intelligencer.....	1 68
do .....	Sun.....	252 25
St. Stephen's.....	St. Croix Courier.....	11 25
Shediac.....	Moniteur Acadien.....	5 70
Woodstock.....	News.....	1 28

## NOVA SCOTIA.

Antigonish.....	Casket.....	7 29
Halifax.....	Alliance Journal.....	12 00
do .....	Christian Messenger.....	5 08
do .....	Church Guardian.....	27 21
do .....	Herald.....	353 98
do .....	Liverpool Times.....	6 80
do .....	New Era.....	37 78
do .....	Mining Review.....	10 20
do .....	Presbyterian Witness.....	25 12
do .....	Provincial Wesleyan.....	23 68
do .....	Reporter.....	12 60
do .....	Watchman.....	15 68
Kentville.....	Western Chronicle.....	5 44
Lunenburg.....	Progress.....	4 75
Pictou.....	Colonial Standard.....	6 27
Sydney.....	Herald.....	10 68
do .....	Cape Breton Advocate.....	3 00
Truro.....	Sun.....	5 44
do .....	Times.....	7 92
Windsor.....	Mail.....	5 44
Yarmouth.....	Tribune.....	3 44

## PRINCE EDWARD ISLAND.

Charlottetown.....	Examiner.....	61 15
do .....	Herald.....	27 20
do .....	Island Argus.....	10 60
do .....	Patriot.....	1 80
do .....	Presbyterian.....	32 25
Georgetown.....	Advertiser.....	13 98
Summerside.....	Journal.....	2 75
do .....	Progress.....	14 50

RETURN showing the Amounts paid by the Marine and Fisheries Department for  
Advertizing in the various Newspapers in Canada, &c.—*Concluded.*

## BRITISH COLUMBIA.

Where Published.	Name of Newspaper.	Amount.
		\$ cts.
Collingwood .....	Enterprise.....	18 76
do .....	Messenger .....	5 68
Nanaimo .....	Free Press .....	2 50
New Westminster.....	Dominion Pacific Herald.....	6 50
do .....	Herald.....	4 00
Victoria .....	British Colonist .....	30 40
do .....	Standard.....	103 00
Yale.....	Island Sentinel.....	4 76
	Total .....	2,890 98

MARINE AND FISHERIES DEPARTMENT, 28th February, 1882.

## FISHERIES BRANCH.

## ONTARIO:

Where Published.	Name of Newspaper.	Amount.
		\$ cts.
Belleville .....	Intelligencer and Hastings Directory .....	32 98
Berlin .....	News .....	16 75
Brantford .....	Courier .....	8 26
Colchester.....	Sun.....	11 80
Emerson.....	International .....	25 20
Exeter .....	Times .....	8 26
Guelph .....	Herald.....	14 75
Hamilton .....	Spectator .....	43 66
Kingston .....	News.....	18 88
London .....	Catholic Record.....	14 75
do .....	Free Press .....	14 75
do .....	Herald .....	12 50
Mitchell .....	Advocate .....	7 08
Ottawa .....	Citizen .....	20 06
do .....	Herald.....	20 06
do .....	Orange Lily .....	9 44
Peterboro' .....	Review .....	14 75
Pictou .....	Standard.....	5 25
Pilot Mound .....	Signal .....	14 40
Rapid City .....	Standard.....	17 28
Sarnia .....	Canadian .....	11 80
Strathroy .....	Western Despatch.....	11 80
St. Boniface .....	Le Nord Ouest .....	30 00
St. Catharines .....	Journal .....	14 75
Toronto .....	Advertiser .....	23 60
do .....	Grip.....	23 60
do .....	Irish Canadian .....	23 60
do .....	National .....	23 60
do .....	Telegram .....	23 60
Winnipeg .....	Sun.....	25 20
do .....	Times.....	36 00

RETURN showing the Amounts paid by the Fisheries Branch of the Marine and Fisheries Department for Advertizing in Newspapers, &c.—Continued.

## QUEBEC.

Where Published.	Name of Newspaper.	Amount.
		\$ cts.
Aylmer .....	Times.....	11 21
Cowansville.....	Observer.....	8 26
Levis .....	Quotidien .....	11 80
Montreal.....	Courier .....	20 06
do .....	Gazette .....	20 06
do .....	Illustrated News and L'Opinion .....	47 20
do .....	La Minerve .....	20 06
do .....	Nouveau Monde .....	12 98
do .....	Post .....	14 75
do .....	Shareholder.....	23 60
Quebec .....	Courier de Canada .....	39 15
do .....	Journal de Canada.....	20 06
do .....	Le Canadien .....	14 75
do .....	Le Cultivateur.....	10 00
do .....	L'Evenement.....	11 80
do .....	Telegraph.....	20 06
Rimouski.....	Nouvelliste .....	11 21
St. Hyacinthe.....	Courier .....	8 26
St. Johns .....	News .....	13 75
Sherbrooke .....	Gazette .....	8 75
do .....	Pioneer .....	18 21
Sorel.....	Le Sorellois .....	2 40
Stanstead.....	Journal .....	3 80

## NEW BRUNSWICK.

Chatham .....	North Star.....	16 80
Fredericton.....	Reporter .....	8 25
Miramichi.....	Gleaner .....	7 20
Moncton.....	Times.....	12 50
Newcastle.....	Union Advocate .....	7 50
St. Andrews.....	Bay Pilot.....	11 80
St. John.....	News .....	62 00
do .....	Sun.....	46 81
St. Stephens.....	St. Croix Courier .....	12 50
Shediac .....	Moniteur Acadien .....	9 44

## NOVA SCOTIA.

Amherst .....	Gazette .....	25 10
Halifax.....	Herald.....	12 50
Liverpool .....	Times.....	7 90
Sackville .....	Chignecto Post.....	9 44
Sydney, C.B.....	Herald.....	10 00
Yarmouth .....	Tribune .....	14 40

## PRINCE EDWARD ISLAND.

Charlottetown.....	Examiner .....	4 10
do .....	Herald.....	8 20
do .....	Island Argus .....	5 50
do .....	Presbyterian .....	6 60
Georgetown.....	Advertiser .....	13 15
Summerside .....	Progress .....	6 60

## UNITED STATES.

Chicago .....	Field .....	42 00
New York .....	Forest and Stream.....	47 20

RETURN showing the Amounts paid by the Fisheries Branch of the Marine and Fisheries Department for Advertizing in Newspapers, &c.—*Concluded.*

## ENGLAND.

Where Published.	Name of Newspaper.	Amount.
		\$ cts.
London.....	Field .....	39 57
do .....	Land and Water .....	23 36
Total.....		1,421 01

## RECAPITULATION.

	\$ cts.
Marine Department—Total Amount .....	2,890 98
Fisheries do .....	1,421 01
Total.....	4,311 99

STATEMENT showing the Amount paid for Printing to Persons other than Contractors for Government Printing by the Department of Railways and Canals, between 1st July, 1878, and 31st December, 1881; the Names of the Parties to which such Payments were made, and the Nature of the Work done.

Firm.	Nature of Work.	Amount.	Total.
		\$ cts.	\$ cts.
Ottawa "Citizen" Printing Co. ....	Printing specifications .....	1,115 56	
do do .....	Forms.....	76 09	
do do .....	Engineer's reports.....	4,156 27	
do do .....	Notices .....	1 50	
			5,349 42
Ottawa "Gazette" .....	Specifications.....		24 00
do "Le Canada" .....	Forms of contract .....	51 30	
do do .....	Translating and printing speeches on Pacific Railway question.....	208 60	
			259 90
Dansereau & Co.....	Translating and printing reports of Chief Engineer of Pacific Railway .....	4,392 00	
	Less—Burland, Linto & Co's., account for lithographing maps.....	1,106 00	
			3,286 00
Montreal "Gazette" Printing Co.....	Printing speeches.....		475 00
Montreal "La Minerve" Printing Co.....	On account of translating and printing reports of Chief Engineer of Canals.....		1,850 00
	Total .....		11,244 32

DEPARTMENT OF RAILWAYS AND CANALS, 6th March, 1882.

STATEMENT of the Amount of money paid for Advertising in the various Newspapers of Canada; List of the Newspapers containing such Advertisements, and the Amount paid by the Department of Railways and Canals, from 1st January, 1880, to 31st December, 1881.

Name of Newspaper.	Province.	Amount.		Total.	
		\$	cts.	\$	cts.
Aurora "Liberal".....	Ontario.....	115	00		
Alliston "Herald".....	do.....	96	56		
Arnprior "Times".....	do.....	170	23		
Arthur "Enterprise".....	do.....	107	20		
Arnprior "Chronicle".....	do.....	77	28		
Barrie "Advance".....	do.....	108	34		
Belleville "Intelligencer".....	do.....	349	78		
Berlin "News".....	do.....	406	40		
Beeton "Chronicle".....	do.....	74	12		
Bowmanville "News".....	do.....	108	52		
Bracebridge "Herald".....	do.....	106	72		
Brampton "Conservator".....	do.....	107	43		
Brampton "Courier".....	do.....	305	86		
Brantford "Witness".....	do.....	108	66		
do "Telegram".....	do.....	287	83		
Carleton Place "Central Canadian".....	do.....	153	00		
Chatham "Planet".....	do.....	235	90		
Cobourg "Sentinel".....	do.....	160	28		
Collingwood "Enterprise".....	do.....	122	42		
do "Messenger".....	do.....	131	06		
Clifford "Arrow".....	do.....	70	58		
Cornwall "Reporter".....	do.....	181	19		
Caledonia "Sachem".....	do.....	110	14		
Colborne "Express".....	do.....	107	80		
Cookstown "Advocate".....	do.....	110	30		
Dundas "Standard".....	do.....	107	08		
do "Banner".....	do.....	32	64		
Cobourg "Star".....	do.....	4	00		
Dunnville "Gazette".....	do.....	111	42		
Durham "Chronicle".....	do.....	100	92		
Eganville "Enterprise".....	do.....	110	46		
Exeter "Times".....	do.....	107	26		
Elmira "Anzeiger".....	do.....	106	72		
Forest "Free Press".....	do.....	196	40		
Galt "Reporter".....	do.....	125	11		
Goderich "Star".....	do.....	174	11		
Toronto "News".....	do.....	10	80		
do "Sanitary Journal".....	do.....	215	50		
do "Christian Guardian".....	do.....	305	10		
do "Irish Canadian".....	do.....	438	30		
do "Grip".....	do.....	336	50		
do "National".....	do.....	496	50		
do "Telegram".....	do.....	720	20		
do "Mail".....	do.....	399	40		
do "Christian Helper".....	do.....	247	80		
do "New Dominion".....	do.....	135	90		
do "Graphic".....	do.....	230	00		
do "Yorkville Times".....	do.....	155	73		
do "Temperance Advocate".....	do.....	79	75		
do "Advertiser".....	do.....	239	70		
do "Parkdale Journal".....	do.....	117	15		
do "Canada Presbyterian".....	do.....	159	10		
Thornbury "Standard".....	do.....	70	14		
Waterloo "Farmer's Friend".....	do.....	107	26		
Welland "Telegraph".....	do.....	185	94		
do "Farmer".....	do.....	224	69		
Windsor "Review".....	do.....	148	64		
Woodstock "Times".....	do.....	103	42		
Walkerton "Herald".....	do.....	107	26		
do "Die Glocke".....	do.....	106	72		
Watford "Guide".....	do.....	165	48		



## STATEMENT of the amount of money paid for Advertising in the various Newspapers of Canada—Continued.

Name of Newspaper.	Province.	Amount.	Total.
		\$ cts.	\$ cts.
Aylmer "Times" .....	Quebec .....	170 23	
Arthabaskaville "Alpha" .....	do .....	18 61	
do "Union" .....	do .....	141 87	
Bryson "Advance" .....	do .....	152 19	
Cowansville "Observer" .....	do .....	106 64	
Coaticook "Observer" .....	do .....	107 80	
Hull "Despatch" .....	do .....	6 40	
Joliette "Gazette" .....	do .....	139 69	
Lévis "Quotidien" .....	do .....	320 24	
Lachute "Watchman" .....	do .....	113 64	
Montreal "Post" .....	do .....	393 70	
do "Minerve" .....	do .....	660 36	
do "Illustrated News" .....	do .....	378 50	
do "Star" .....	do .....	631 96	
do "Courier" .....	do .....	626 72	
do "Journal of Commerce" .....	do .....	422 80	
do "Scientific Canadian" .....	do .....	98 90	
do "Opinion Publique" .....	do .....	374 40	
do "Gazette" .....	do .....	575 98	
do "Nouveau Monde" .....	do .....	358 34	
do "Shareholder" .....	do .....	477 00	
do "Legal News" .....	do .....	369 20	
do "Spectator" .....	do .....	354 20	
Ormstown "New Dominion" .....	do .....	104 22	
Quebec "Courier" .....	do .....	535 75	
do "Le Provincial" .....	do .....	7 80	
do "L'Evenement" .....	do .....	331 08	
do "Canadian" .....	do .....	542 19	
do "Cultivateur" .....	do .....	207 30	
do "Daily Telegraph" .....	do .....	539 77	
do "Nouvellist" .....	do .....	415 95	
do "Budget" .....	do .....	344 86	
do "Chronicle" .....	do .....	324 72	
Richmond "Guardian" .....	do .....	113 70	
Rimouski "Nouvellist" .....	do .....	142 92	
Richmond "Times" .....	do .....	104 76	
do "Independent" .....	do .....	4 00	
Rivière du Loup "Courier" .....	do .....	146 88	
Sherbrooke "Gazette" .....	do .....	130 55	
do "Pioneer" .....	do .....	142 36	
Sorel "Sorellois" .....	do .....	160 08	
do "News" .....	do .....	149 19	
St. Hyacinthe "Courier" .....	do .....	115 92	
St. Jerome "Le Nord" .....	do .....	149 40	
St. Jean "Voix du Peuple" .....	do .....	148 56	
Stanstead "Journal" .....	do .....	123 56	
St. Anne "Gazette" .....	do .....	137 76	
St. John "News" .....	do .....	155 27	
Iberville "L'Echo de Iberville" .....	do .....	96 03	
Guelp "Herald" .....	Ontario .....	458 80	
Gore Bay "Enterprise" .....	do .....	89 68	
Georgina "Sutton Times" .....	do .....	89 74	
Hastings "Star" .....	do .....	73 16	
Hamilton "Spectator" .....	do .....	565 83	
do "Times" .....	do .....	198 90	
Ingersoll "Tribune" .....	do .....	135 48	
Iroquois "Times" .....	do .....	104 71	
Keenansville "Sentinel" .....	do .....	105 40	
Kincardine "Standard" .....	do .....	106 54	
Kingston "News" .....	do .....	367 20	
Campbellford "Herald" .....	do .....	68 68	
Lindsay "Warder" .....	do .....	108 52	
L'Original "Advertiser" .....	do .....	111 40	
London "Free Press" .....	do .....	521 21	
do "Herald" .....	do .....	417 00	

## STATEMENT of the amount of money paid for Advertising in the various Newspapers of Canada—Continued.

Name of Newspaper.	Province.	Amount.	Total.
		\$ cts.	\$ cts.
London "Catholic Record".....	Ontario.....	212 80	
Listowell "Standard".....	do.....	133 34	
do "Volksfreund".....	do.....	106 54	
Milton "News".....	do.....	172 68	
Mitchell "Advocate".....	do.....	107 54	
Morrisburg "Courier".....	do.....	142 33	
Madoc "Review".....	do.....	108 06	
Norwood "Register".....	do.....	13 36	
Napanee "Standard".....	do.....	149 33	
New Hamburg "Volksblatt".....	do.....	111 96	
do "Independent".....	do.....	97 54	
Newstadt "Zeitung".....	do.....	93 90	
Newmarket "Era".....	do.....	99 36	
Arnprior "News".....	do.....	40 64	
Oshawa "Vindicator".....	do.....	101 46	
Oakville "Standard".....	do.....	128 54	
Orangeville "Gazette".....	do.....	103 14	
do "Sun".....	do.....	108 00	
Orillia "Packet".....	do.....	107 80	
Omemeo "Herald".....	do.....	79 98	
Owen Sound "Times".....	do.....	106 72	
Ottawa "Herald".....	do.....	195 14	
do "Citizen".....	do.....	551 42	
do "Industrial World".....	do.....	42 00	
do "Orange Lily".....	do.....	146 38	
do "Le Canada".....	do.....	548 86	
Parkhill "Gazette".....	do.....	164 24	
Paris "Star".....	do.....	134 14	
Pembroke "Standard".....	do.....	111 54	
Perth "Expositor".....	do.....	148 59	
Peterboro' "Times".....	do.....	102 05	
do "Review".....	do.....	354 35	
Petrolia "Advertiser".....	do.....	162 08	
Pictou "Gazette".....	do.....	168 52	
Port Rowan "Spirit of the Age".....	do.....	107 78	
Port Hope "Times".....	do.....	239 69	
Port Perry "Observer".....	do.....	93 92	
Prescott "Messenger".....	do.....	139 09	
Port Dover "Independent".....	do.....	105 98	
Palmerston "Telegraph".....	do.....	106 72	
Prince Arthur's Landing "Sentinel".....	do.....	158 40	
Richmond Hill "Herald".....	do.....	143 05	
Sarnia "Canadian".....	do.....	192 96	
Sault Ste. Marie "Pioneer".....	do.....	81 60	
St Catharines "Journal".....	do.....	358 40	
Shelburne "Free Press".....	do.....	57 24	
St. Catharines "Visitor".....	do.....	260 05	
St. Thomas' "Times".....	do.....	107 60	
St. Mary's "Journal".....	do.....	93 58	
Stratford "Herald".....	do.....	149 07	
do "Times".....	do.....	159 49	
Strathroy "Despatch".....	do.....	179 08	
Tauworth "Echo".....	do.....	148 23	
do "Instructor".....	do.....	220 50	
Toronto "Sentinel".....	do.....	165 97	
do "Monetary Times".....	do.....	423 80	
do "Dominion Churchman".....	do.....	239 92	
do "Evangelical Churchman".....	do.....	3 5 10	
do "Canadian Baptist".....	do.....	29 80	
Three Rivers "Journal".....	Quebec.....	172 98	
do "Constitutional".....	do.....	186 46	
Amherst "Gazette".....	Nova Scotia.....	220 00	
Annapolis "Journal".....	do.....	158 00	
Antigonish "Casket".....	do.....	161 68	
Bridgetown "Monitor".....	do.....	159 26	

STATEMENT of the amount of money paid for Advertising in the various Newspapers of Canada—Concluded.

Name of Newspaper.	Province.	Amount.	Total.
Digby "Courier".....	Nova Scotia.....	\$ 15 64	\$ .....
Halifax "Maritime Journal".....	do.....	28 80	.....
do "Reporter".....	do.....	3 84	.....
do "Messenger".....	do.....	4 00	.....
do "Witness".....	do.....	179 56	.....
do "Herald".....	do.....	382 10	.....
do "Mail".....	do.....	356 35	.....
do "Church Guardian".....	do.....	175 40	.....
do "Alliance Journal".....	do.....	300 24	.....
do "Wesleyan".....	do.....	380 00	.....
do "New Era".....	do.....	211 70	.....
do "Catholic Press".....	do.....	3 20	.....
Kentville "Chronicle".....	do.....	166 88	.....
Lunenburg "Progress".....	do.....	47 23	.....
Liverpool "Times".....	do.....	194 65	.....
Pictou "Standard".....	do.....	80 68	.....
Sydney "Herald".....	do.....	143 44	.....
do "Advocate".....	do.....	101 77	.....
Spring Hill "Trades' Journal".....	do.....	61 02	.....
Truro "Sun".....	do.....	175 12	.....
Windsor "Mail".....	do.....	71 50	.....
Chatham "Gleaner".....	New Brunswick.....	59 00	.....
Fredericton "Reporter".....	do.....	128 53	.....
do "Star".....	do.....	195 14	.....
do "Farmer".....	do.....	93 44	.....
Moncton "Times".....	do.....	266 82	.....
Newcastle "Advocate".....	do.....	115 55	.....
Sackville "Chignecto Post".....	do.....	203 01	.....
Shediac "Moniteur Acadien".....	do.....	143 04	.....
St Andrew's Bay "Pilot".....	do.....	172 44	.....
St. John "Sun".....	do.....	440 84	.....
do "Christian Visitor".....	do.....	223 10	.....
do "Intelligencer".....	do.....	208 35	.....
do "News".....	do.....	337 00	.....
St. Stephen "Courier".....	do.....	176 51	.....
Charlottetown "Herald".....	Prince E. Island.....	102 26	.....
do "Examiner".....	do.....	157 79	.....
do "Argus".....	do.....	74 30	.....
do "Presbyterian".....	do.....	80 60	.....
Georgetown "Advertiser".....	do.....	78 42	.....
Summerside "Progress".....	do.....	84 80	.....
Emerson "International".....	Manitoba.....	144 15	.....
Portage La Prairie "Review".....	do.....	173 38	.....
Selkirk "Inter Ocean".....	do.....	100 10	.....
St. Boniface "Le Metis".....	do.....	218 72	.....
Winnipeg "Times".....	do.....	302 72	.....
Rat Portage "Star".....	do.....	169 01	.....
New Westminster "Herald".....	British Columbia.....	82 10	.....
Victoria "Colonist".....	do.....	110 65	.....
do "Standard".....	do.....	222 75	.....
			3,487 45

RECAPITULATION.

Page 1.....	\$ 5,088 72
do 2.....	7,836 35
do 3.....	10,042 58
do 4.....	5,847 17
do 5.....	7,126 26
do 6.....	5,657 47
do 7.....	3,487 45

Total..... \$45,086 00

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OTTAWA, 31st March, 1882.

SIR,—In reply to your letter of the 13th instant, *re* statement of advertising accounts required by an order of the House of Commons, bearing date 13th February last, I beg leave to state that no advertisements have been ordered by this Department since 1st May, 1880, and consequently no Return can be expected from this department.

I have the honor to be, Sir, your obedient servant,

J. JOHNSON, Commissioner of Customs.

J. L. McDougall, Esq., Auditor-General, Ottawa.

## RETURN

(129)

To an ORDER of the HOUSE OF COMMONS, dated 13th February, 1882:—For a Return since the last made on the subject showing (a) the Amount of Money paid for Advertising in the various Newspapers of Canada (b) a List of Newspapers containing such Advertisements (c) the Amount paid by each Department respectively.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
1st April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]

# RETURN

(130)

To an ADDRESS of the SENATE, dated 14th March, 1881 :—For copies of all Correspondence between the Government of Canada and any parties interested or offering to construct a Bridge across the Falls of the St. John River, St. John, N.B.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd April, 1882.

*Secretary of State.*

## RAILWAYS AND CANALS, OTTAWA, 27th January, 1881.

SIR,—In accordance with your request, we take pleasure in further placing our views before you in regard to a Railway Bridge over the St. John River near the present Suspension Bridge for the more effective transportation of freight and passengers at that city. We need scarcely say that by reason of the ever-increasing business of the Maritime Provinces, more certain, safe, expeditious and economical means of communication at St. John than those at present available have become imperative.

Believing that the construction of such a bridge is of great public interest, and that it would be beneficial to the various railway interests including the Intercolonial converging at St. John; believing also that the present time is an advantageous one for raising money for all construction purposes, we would lay the following before you:

From estimates which have been made from time to time we conclude that the amount required for the erection of a bridge and for making rail connections (about one mile and three-quarters), from the eastern side of the river, through Portland down to the passenger depot of the Intercolonial Railway, and including all land damages, would be about eight hundred thousand dollars, say (\$800,000).

Accordingly, it is now proposed to obtain a charter at the approaching meeting of the New Brunswick Legislature—subject to the approval of the Dominion Minister of Justice, the share capital to be two hundred thousand dollars, say (\$200,000), ten per cent. of which to be paid up prior to the commencement of the work of construction, power to be given to issue bonds to the extent of eight hundred thousand dollars (\$800,000) or thereabout.

From the very expensive and short length of the work, it cannot be supposed that a large amount of stock would be taken up, and the only resource therefore would be an issue of bonds the annual interest of which would have to be met under some equitable arrangement by the roads, to an extent beyond the sum derived from the income of the bridge and connections, through Portland, which might be necessary for some time.

In brief, to make our ideas as plain as possible, we propose after the charter is issued and work commenced, to issue say six per cent. coupon bonds, payable within twenty-five years from time to time as may be required, viz:

\$300,000 at 6 per cent. ....	\$48,000
Reserving sinking fund <sup>1</sup> 1 per cent.....	8,000
	\$56,000

Which annual charge it is proposed to meet in the following way, viz:

Estimated gross earnings.....	\$24,000
Less maintenance.....	6,000
	\$18,000

Leaving a balance of \$38,000; and to meet this difference we propose to ask the Dominion Government to guarantee or assure twenty thousand dollars (\$20,000) per annum, the difference to be made up by connecting roads as far as Boston. For this latter sum (\$18,000) we have the fullest assurance from these roads, and we are now in a position to say that, on substantially, this basis the money for construction is pledged.

In conclusion, we desire to draw your attention to some of the advantages to be derived from the completion of the proposed works. First, this connection when made, perfects the railway system of the entire continent, say from Halifax to San Francisco. It supplies needed facilities for the Lower Provinces specially, no unimportant part of the Dominion of Canada. Second, it would have the effect of enabling express trains in the matter of speed and comfort to be so run as to make Halifax more and more a point of arrival and departure for ocean steamers, and of bringing the two Provinces of the Atlantic seaboard into the direct line of a traffic which at present does not touch them at all. The Intercolonial and other lines would be thus benefitted, for there can be no doubt, it seems to us, that apart from the transportation of mails and freight, large numbers of passengers to and from Europe would seek to economize time and reduce the length of the ocean voyage from one to two days. Third, the large increase of freight traffic by means of this connection from the northern part of Prince Edward Island and the prosperous counties of New Brunswick and Nova Scotia, through which the Intercolonial Railway passes, must greatly benefit the Government road. There is a practical embargo on country produce seeking a market at present, owing to the break at St. John and the cost of transport, for in many cases the margin of profit is swept away by haulage, handling, ferriage and loss of time.

This is no new matter to the Dominion Government, as in 1873 the late William Parks, then President of the Western Road, but of St. John, and T. R. Jones, a Director, were a delegation in furtherance of this same object. These gentlemen's views were most favorably received, and on reference to Sir Leonard Tilley, you will gather fully the result of that delegation. Owing to subsequent complication the matter was not proceeded with, subsequently the Hon. Mr. Mackenzie, being in St. John, met interested parties there, and a favorable expression was obtained from him in reference to the scheme, financially and otherwise. After that the European, or viz.: American road from St. John to Bangor failed, and this unfortunate occurrence prevented anything being done.

Now that the lines from St. John are re-organized, this scheme of the bridge and connections is revived with more certainty than ever. We believe in this matter being brought to a successful issue, if the Dominion Government will grant their influence and practical help. With these secured, we have no doubt the construction will be proceeded with and completed within a very early period.

We desire to add that we shall, at all times, be pleased to furnish the fullest information required by the necessities of this matter, and commending it to your favorable and early consideration,

We remain, Sir, your obedient servants,

THOMAS R. JONES,  
JAMES MURRAY KAY,  
CHARLES SPEAR.

Hon. SIR CHARLES TUPPER, Minister of Railways, Ottawa.

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OTTAWA, February 1st, 1881.

SIR,—I beg to acknowledge the receipt of the joint letter of yourself and Messrs. Kay and Spear, wherein you submit your views respecting the railway bridge proposed to be constructed across the St. John River, in the vicinity of the present Suspension Bridge.

I am, Sir, your obedient servant,

F. BRAUN, Secretary.

THOMAS R. JONES, Ottawa, Ont.



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## RETURN

(131)

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1882:—For a Statement showing, separately, the gross earnings on Local and on Through Traffic on the lines of Railways worked by the Windsor and Annapolis Railway Company, between Annapolis and Windsor and Windsor and Halifax respectively, and the mode of division of Receipts from Through Traffic between the said Railways, by which the sum of \$21,216, stated in the Report of the Hon. Minister of Railways, as the one-third Earnings of the Windsor Branch Railway payable to the Government, is arrived at.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
4th April, 1882.

*Secretary of State.*


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## RETURN

(132)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882:—For Copies of all Correspondence and Orders in Council relating to the construction of a Railway on Vancouver Island.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd, April, 1882.

*Secretary of State.*


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[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]

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## RETURN

(133)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882:—For all Correspondence with the Department of Public Works since the 1st July last, having reference to the improvement of the Harbor of Cascumpec, Prince County, Prince Edward Island.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd April, 1882.

*Secretary of State.*

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## RETURN

(134)

To an ORDER of the HOUSE OF COMMONS, dated 22nd March, 1882:—For a Statement showing the quantity of each kind of Fish Inspected in each Inspection District of the Dominion in which an Inspector has been appointed, the name of the Inspector in each such District, the Fees charged for Inspection in each case, and the gross Amount of Fees received, the whole for the year ended December 31st, 1881, or the next previous fiscal or calendar year, the Returns for which are in possession of the Government.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
30th March, 1882.

*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]

## RETURN

(134a)

To an ORDER of the HOUSE OF COMMONS, dated 15th March, 1882 :—For a Copy of Letters, Reports and other Papers relating to the Importation into Canada of Pickled Herring, in barrels or half-barrels, or of other kinds of Fish from Newfoundland or the Labrador Coast, and the Inspection of such Fish in Newfoundland or elsewhere, and the Stamping of the barrels or half-barrels containing the same, by the Inspectors of Fish and Fish-oils in Canada with their inspection brands.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd April, 1882.

*Secretary of State.*


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## RETURN

(135)

To an ADDRESS of the HOUSE OF COMMONS, dated 27th February, 1882 :—For a Return of all Orders in Council regulating Ferries between points in Canada and the United States, together with all Correspondence as to the proper Regulations affecting such Ferries.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
1st April, 1882.

*Secretary of State.*


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[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed.]

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## RETURN

(136)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882:—For a Return of all Circulars, Memoranda and Instructions, issued by the Customs throughout the Dominion, relating to the interpretation of the several classes of Goods imported and the duties to be Levied thereon under the Tariff, from the 1st January, 1874, to the 14th March, 1879.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
4th April, 1882.

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## RETURN

(136a)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882:—For a Return of all Circulars, Memoranda and Instructions issued by the Customs throughout the Dominion, relating to the interpretation of the several classes of Goods imported and the duties to be Levied thereon under the Tariff, since March 14th, 1879, to 1st February, 1882.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
4th April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

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## RETURN

(137)

To an ORDER of the HOUSE OF COMMONS, dated 9th February, 1881 :—For Copies of all Correspondence in reference to the dismissal of D J. Morse from the position of Sub-Collector of Customs at Bear River, in the County of Annapolis ; together with all Reports of Inspectors of Customs and others, and any other Correspondence bearing upon the subject.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
February, 1880.*Secretary of State.*

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## RETURN

(138)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882 :—For a Return of the various modes which have been hitherto adopted for collecting Duties from Malt and Malt Liquors, and also for any information which may be in the possession of the Government in reference to the mode in vogue for collecting such Excise Duties in the United States and Great Britain.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd April, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing the above Returns are not printed ]

## RETURN

(139)

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1882:—For a Return of all Papers concerning the granting of a Charter to the Hudson Bay Company, to construct a Tramway around the North Shore of the Grand Rapids of the Saskatchewan, and any information to shew if the Tramway can be used by the public on paying certain Tolls.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
April 1st, 1882.

*Secretary of State.*

*Memorandum.*

DEPARTMENT OF INTERIOR, DOMINION LAND OFFICE, OTTAWA, 26th July, 1877.

SIR,—Referring to the letter of Mr. Duncan Sinclair, D.L.S., written from Grand Rapids, Saskatchewan, dated the 6th instant, the undersigned has the honor to report to the Minister, as follows:—

Tracts A. and B. see sketch annexed, containing 50 acres each, were surveyed by the Hudson Bay Company and at their expense, in 1872.

The Company having subsequently built a steamer to navigate the Saskatchewan, found that on account of the Grand Rapids, they could not have a landing on B. without risking the loss of their steamer, and applied to be allowed to change the site of the 50 acre plot B. further north to a point indicated by the dotted red lines including C.

It was not thought expedient to allow the Reserve to be changed as asked for, but the Company (see Order in Council of the 24th November, 1876, page 547 of the Orders in Council Dominion Lands) was allowed eight acres, or thereabouts at C. for wharf and warehouse purposes.

The undersigned took advantage of Mr. Sinclair, D.L.S., passing this point in surveying Indian Reserves, to have this eight acres surveyed. Hence Mr. Sinclair's letter.

It is for the Minister to say whether, in his opinion, Mr. Sinclair's letter establishes the expediency, in the interests of the Government, of allowing the change of the 50 acre Reserve asked for by the Company, so as to include C. or whether matters shall stand as they are at present.

The undersigned begs to express the opinion that it would be more in the interest of the Government to allow the Reserve B. to stand as originally surveyed for the Company.

Respectfully submitted.

J. S. DENNIS, Surveyor-General.

The Hon. Minister of the Interior, Ottawa.

GRAND RAPIDS, SASKATCHEWAN, 6th July, 1877.

SIR,—I arrived here this morning, and I have had another interview with Mr. Matheson, the local agent for the Hudson Bay Company here. He thought that they were to have the upper fifty acres which had been surveyed by Mr. Gore, D.L.S., moved up.

I have examined the locality, and I am decidedly of the opinion that if the Company ask leave to move these upper fifty acres, they should be allowed to do so by the Dominion Government, because there is 880 yards between the upper line of the tract B. to the lower side of the tract C., the new piece they want.

Because the lower line of their block B. comes out at the chutes of the Grand Rapid, it would be well to move it up 500 yards beyond the present upper or northerly line of B.

If even the Dominion Government wish to canal this chute as the survey stands, a portion of the land required will have to be purchased back from the Company. It is a beautiful site for a town. I purpose going on to the survey of the Reserve at Moose Lake and expect to be back again in three or four weeks, and will delay this survey for the Company until I shall have surveyed Reserve No. 84, in order to give time for additional instructions on this point.

Your obedient servant,  
DUNCAN SINCLAIR, D.L.S.

The Hon. Minister of the Interior.

HUDSON BAY HOUSE, MONTREAL, 1st December, 1876.

SIR,—I have the honor to acknowledge your letter (3,376) of the 30th ultimo, informing me, by direction of the Minister of the Interior, that an Order in Council had been passed authorizing:

1. A grant to the Hudson Bay Company of a piece of land on the Saskatchewan River, at the place asked for, at the head of the Grand Rapids, and more particularly described in your present communication and in that you addressed to me, 15th ult., the area of this lot being about  $8\frac{2}{100}$  acres.

2. A lease to the Company for a period of twenty-one years, at a nominal rental of \$10 per annum, with a renewal of the same at the option of the Company for a further period of twenty-one years, on such conditions as may appear reasonable, of a strip of land for a right of way for a tramway between the landing at the mouth of the Saskatchewan River and that above the Grand Rapids. The Government reserving to themselves the right of resuming possession of either property, should the public interests require it, on reimbursing the Company the original cost of the land so taken, and paying them the value of any buildings, docks or other works which they may have erected thereon, including, of course, the materials used and expenses incurred in construction of the tramway.

The tariff of charges for the conveyance of goods and passengers across the portage to be subject to the approval of the Governor in Council.

I have, &c., &c.,  
DONALD A. SMITH.

Lieut.-Col. J. S. DENNIS, Surveyor-General, Ottawa.

DEPARTMENT OF THE INTERIOR, DOMINION LANDS OFFICE,  
OTTAWA, 30th November, 1876.

SIR,—Referring further to your application on behalf of the Hudson Bay Company for a piece of land for wharf and warehouse purposes on the north-east side of the Saskatchewan River, a short distance above the Grand Rapids, also for permission to build a tramway across the portage connecting the steamboat landing at that point with the landing at the mouth of the said river, I am directed to inform you that the same has received consideration by the Government, and that an Order in Council has been passed authorizing as follows:—

1. A grant to the Company of a piece of land at the place asked for, that is to say, at a point on the east side of the Saskatchewan River, 1,170 yards or thereabouts north of the northerly limit of the Company's reserve, as laid out under the

deed of surrender, at the west end of the Grand Rapids Portage, at which point is situated the present steambot landing above the Grand Rapids, this land so granted to be 600 feet front on the river by a corresponding depth and assumed to contain  $8\frac{28}{100}$  acres, at the price of one dollar per acre.

2. A lease to the Company for a period of 21 years, at a nominal rent of \$10 per annum, such lease to be renewed if required by the Company at the termination thereof, for a further period of 21 years, upon such conditions as may then appear reasonable to the Government, of a strip of land for a right of way for a tramway between the landing at the mouth of the Saskatchewan River and that above the Grand Rapids.

The above grant and lease to be subject to the following conditions, that is to say:—

1. As to the lease, the right of way not to be allowed to prevent such ordinary crossing over the same as may be in future required for settlement roads.

2. Both the grant and lease to be subject to a right reserved by the Government to take possession of either property or of any part thereof, should the public interests require it, the Company in such cases to be reimbursed the original cost of any land taken, and to be paid the value of any buildings, docks or other works which they may have erected thereon.

3. The tariff of charges for the carriage of goods and passengers across the portage by the Company's tramway, to be subject to the approval of the Governor in Council.

I have the honor to be, &c., &c.,

J. S. DENNIS, Surveyor General.

Hon. D. A. SMITH, M.P., Chief Commissioner Hudson Bay Company, Montreal.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 24th November, 1876.*

On a Memorandum, dated 23rd November, 1876, from the Honorable Mr. Scott, acting in the absence of the Minister of the Interior, submitting an application made by the Hon. Donald A. Smith, on behalf of the Hudson Bay Company, for a piece of land for wharf and warehouse purposes on the north side of the Saskatchewan River near the head of the Grand Rapids, for the right to construct a tramway for the carriage of goods and passengers across the portage leading from the steamer landing at the mouth of said river at Lake Winnipeg to connect with the above proposed wharf and warehouse:

The Honorable Mr. Scott states that considering the value in development of settlement and trade of the Territories by the Company's present and prospective operations, on the line of the Saskatchewan, he recommends the application now made to the favorable consideration of the Privy Council.

He suggests that the Company may be granted a piece of land for wharf and warehouse purposes, as the place asked for of 600 feet front on the river, with a corresponding width, containing eight acres and eight one-hundredths of an acre (or thereabouts) at the ordinary price of Dominion Lands, and that with respect to tramway, that they receive a lease for a nominal consideration (say ten dollars per annum) for a strip of land fifty feet wide for a right of way across the portage, such lease in view of the probable expense (placed by Mr. Smith at \$20,000) involved in the construction of the tramway, to be for a period of twenty-one years, and if required by the Company to be renewed at the end of that time for a further similar term, upon such conditions as may then appear reasonable to the Government—such right of way not to be held to prevent ordinary crossings over the same for settlement roads.

He further suggests that both the grant and lease be subject to a right reserved by the Government to take possession of either property or any part thereof should the public interest require it, the Company in such case to be reimbursed the original cost of any land taken, and to be paid the value of any buildings, docks or other works which they may have erected thereon.



The tariff of charges for the carriage of goods by the Company to be subject to the approval of the Governor in Council.

The Committee concur in the foregoing recommendation and suggestions, and submit the same for Your Excellency's approval.

Certified, W. A. HIMSWORTH, C. P. C.

*Memorandum.*—On reference to the Hon. Mr. Scott, he informs me that this proviso only refers to charges for conveyance on the tramway.

J. S. D., S. G.

29th November, 1876.

HUDSON BAY HOUSE, MONTREAL, 20th November, 1876.

SIR,—I have the honor to acknowledge the receipt of your letter No. 6,339 of 15th inst., intimating that the acting Minister of the Interior has been pleased to assent to the request made by me on the part of the Hudson Bay Company to have patented to them a sufficient extent of ground, say about 600 feet frontage on the River Saskatchewan, by an equal depth embracing the present steamboat landing, the same being at a point 1,170 yards north of the northerly lines of the 50 acres reserve laid out for the Company by Mr. Gore, D.L.S., at the head of the Grand Rapid, and that a lease shall be given to the Company at a nominal rental to cover the proposed tramway at that point, subject, however, to the right of the Government to resume possession of the said lands or any part thereof, should the same be required for public purposes, in such case the Company to be paid the value of the buildings, &c., docks or works which may be thereon.

I shall feel obliged, if you would be good enough to inform me for what number of years the lease referred to will be given, and trust the Honorable the Minister will decide that it shall be for a lengthened period as the expense of constructing the tramway will be very considerable.

I have the honor, &c.,

DONALD A. SMITH.

Lieut.-Col. J. S. DENNIS, Surveyor General, Ottawa.

DEPARTMENT OF THE INTERIOR, DOMINION LAND OFFICE, OTTAWA, 15th Nov., 1876.

SIR,—I am directed by the acting Minister of the Interior, referring to your letter of the 18th August last, on the subject of the site for the Company's wharf, warehouses, &c., at the upper end of the Grand Rapid, Saskatchewan, also respecting the tramway which the Company proposes to build across the portage at that point, to inform you that the same having been considered, a sale will be made to the Company at the ordinary price of Dominion lands, of a piece of land six hundred feet frontage on the River Saskatchewan, by an equal depth, embracing the present steamboat landing, the same being at a point about 1,170 yards north of the northerly limit of the fifty acres reserve laid out for the Company by Mr. Gore, D.L.S., at the head of the Grand Rapid, and as regards the proposed tramway, a lease at a nominal rental will be given the Company to cover the necessary right of way therefor, such sale and lease respectively however to be subject to the right of the Government to resume possession of the said land or any part thereof should the same be required for public purposes; in such case the Company to be paid the value of the buildings, docks, &c., or works which may be thereon.

I have the honor to be, Sir,

J. S. DENNIS, Surveyor General.

Hon. DONALD A. SMITH,

Chief Commissioner Hudson Bay Company, Montreal, Quebec.

OFFICE OF THE MINISTER OF PUBLIC WORKS, OTTAWA, August 16th, 1876.

MY DEAR MR. MEREDITH,—I enclose a letter from Mr. D. Smith which refers to a conversation we had in Mr. Dennis' presence a few days ago.

I agreed, as he says, that the Company should be allowed to select another piece of ground at the head of the rapids for warehouse and wharfage, and that we would allow a tramway to be constructed across the frontage, with the condition that the frontage on the river would be limited to what is necessary for the specific purpose mentioned, and that neither its location or the tramway should be allowed to stand in the way of the Government, if it should be found that we require the lands. I don't apprehend any difficulty, however, neither does Mr. Dennis.

Perhaps you would see Mr. Dennis and have a letter written to Mr. Smith according the rights asked for on these conditions.

The tramway will be very useful for ourselves, and will in fact save us the cost of building one.

Yours faithfully,

A. MACKENZIE.

E. A. MEREDITH, Esq.

The Company may purchase a piece 600 feet square at the head of the rapids, and authority may be given for building a tramway. The Government to have the right to take the land at any time required for public purposes paying the Company only the value of buildings and docks.

R. McL.

November 15th, 1876.

HUDSON BAY HOUSE, MONTREAL, 15th August, 1876.

MY DEAR SIR,—Will you allow me to remind you, that on my bringing to your notice at Ottawa, on the 21st ultimo, that the Hudson Bay Company desired to be accorded permission to make a tramway between the landing places at the Grand Rapids, Saskatchewan River, you were good enough to say that the Government would consent to their doing so, as well as that the Company would be assured in possession of the sites on which they might erect any warehouses or other buildings for the purposes of their business, at a point at the upper end of the proposed tramway, some distance above their own reserve, the latter proving inconvenient as a landing place. To this permission would attach the condition that the Government might on giving due notice to the Company take over both the tramway and buildings, or either, on paying what might be adjudged a fair valuation for the same, and the Company being also furnished without further charge, other land suitable for their warehouses, near to that assumed by the Government.

You were then pleased to say that you would address me officially to this effect, and I shall feel greatly obliged if you will kindly cause this to be done as soon as convenient, as the cost of the tramway will probably be some \$15,000, and the Company's officers are unwilling to proceed with the work, until officially in possession of the sanction of the Government to it.

I intended being in Ottawa to-morrow, on my way to Winnipeg, to confer with Mr. Laird about some selections of river lots, he proposes being made during my visit to Manitoba, but having just got a telegram intimating that he leaves to-night for the West, and will be absent some days, I shall defer my departure for Fort Garry for a few days, in hopes of meeting the Minister, as without a definite understanding as to what shall be considered unoccupied lots, I fear it would be of little use to attempt making a selection.

I have the honor to be, faithfully yours,

DONALD A. SMITH.

Hon. ALEXANDER MACKENZIE, Prime Minister, Ottawa.

OTTAWA, August 16, 1876.

MY DEAR SIR,—I beg to acknowledge the receipt of your note of this day's date, addressed to Mr. Meredith, with accompanying letter from Mr. D. Smith, relative to the selection, by the Hudson Bay Company, of another piece of ground at the head of the Grand Rapids, Saskatchewan River, for warehouses and wharf, and their desire for permission to construct a tramway across the portage.

Mr. Meredith is absent at present for his holidays.

I shall, however, see Mr. Dennis as you direct, and request him to write to Mr. Smith according to the rights asked on the conditions described in your letter.

Yours respectfully,

HON. A. MACKENZIE.

L. D. VANKOUGHNET.

DEPARTMENT OF THE INTERIOR, DOMINION LANDS OFFICE,  
OTTAWA, 16th August, 1876.

SIR,—I am directed by the Minister of the Interior to acknowledge the receipt of your letter of yesterday, addressed to the Hon. Mr. Mackenzie, on the subject of your application on behalf of the Hudson Bay Company, for permission to make a tramway across the portage between the landing places at the Grand Rapids of the Saskatchewan River, and further to be assured in the possession of the sites on which they may erect any warehouses or other buildings for the purpose of the Company's business at the upper terminus of the proposed tramway some distance above the Company's reserve as at present laid out, the latter having proved inconvenient as a landing place, and in reply, to inform you that the Company is at liberty to construct such tramway, and to erect any warehouses or other buildings it may consider necessary, provided that the frontage, occupied by the Company, on the river, be restricted to what is necessary for the specific purpose mentioned, and that neither the location of the buildings or of the tramway shall be allowed to stand in the way of the Government should it be found that the land be required hereafter for public purposes.

I have, &c., Sir, your obedient servant,

J. S. DENNIS, Surveyor General.

HON. DONALD A. SMITH, Chief Commissioner of }  
the Hudson Bay Company, Montreal, Que. }

HUDSON BAY HOUSE, MONTREAL, 18th August, 1876.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th instant conveying to me, by direction of the Hon. the Minister of the Interior, the sanction of the Government to the construction by the Hudson Bay Company of a tramway between the landing places at the Grand Rapids of the Saskatchewan River; and the assurance that the Company will be secured in the possession of the sites on which they may erect any warehouses or other buildings for the purposes of their business at the upper terminus of the proposed tramway, above their reserve as at present laid out; also stating the conditions on which this permission is accorded to the Company.

I shall deem it a favor to be informed, if I am right in assuming that at the interview given me on the 21st ultimo by the Honorable the Premier, and the Minister of the Interior, the proposition I then made, that the Company should receive fair compensation for the expense incurred by them in constructing the tramway and buildings, in the event of either or both of these being hereafter required for public purposes, was assented to.

I have the honor to be, Sir your obedient servant,

DONALD A. SMITH.

Lieut.-Col. J. S. DENNIS, Surveyor-General.

DEPARTMENT OF THE INTERIOR, DOMINION LANDS OFFICE,  
OTTAWA, 10th May, 1875.

SIR,—Referring to your letter of the 9th January last, enclosing an extract from one sent you by James A. Graham, Esq., chief officer in charge of the Hudson Bay Company's commercial affairs in the North-West Territories, requesting a re-adjustment of the outlines of the Company's reserve, as laid out by Mr. Gore, D.S., at Grand Rapids, Saskatchewan, the change asked for being set forth by the description and sketch in the said extract, I am directed by the Hon. the Minister of the Interior to say that the same has been under consideration.

In reference thereto I am to state that inasmuch as the land taken for the Company's claim at this point was selected and surveyed by themselves, and in such wise as to embrace both extremes of the Portage Road, and, moreover, as the Department of Public Works reports that the place to which the Company desires permission to remove, or to change their reserve, is required for public works immediately about to be undertaken, he regrets to feel obliged to decline to recommend the proposed change.

I have the honor to be, Sir, your obedient servant,  
J. S. DENNIS, Surveyor-General.

Hon. D. A. SMITH, Chief Commissioner, Hudson Bay Company, }  
Hudson Bay House, Montreal.. }

— — —  
*Extract of a Letter from Mr. Alexander Matheson.*

CUMBERLAND HOUSE, 1st September, 1874.

The claim surveyed for the Company at the upper end of Grand Rapids Saskatchewan is too near the rapid to be of any use for a steamboat landing place, or for putting up any buildings thereon, and Captain Aymond has decided upon a spot for that purpose, which is 1,170 yards above the boundary line of the survey. It will be well to have a couple of chains more allowed for, so as to be certain of a good place. The river at this particular spot flows pretty nearly in a straight north and south line, and the annexed rough sketch will convey some idea of the *lay* of the place selected.

— — —  
MONTREAL, 9th January, 1875.

SIR,—I have the honor to enclose a copy of a letter sent me by James A. Graham, Esq., chief officer in charge of the Hudson Bay Company's commercial affairs in the North-West Territory, requesting a re-adjustment of the outlines of the Company's reserve, as laid out by Mr. Gore, Deputy-Surveyor at Grand Rapids, Saskatchewan, and to request that you will be so good as to give instructions to have the description for the patent for the reserve at that point made to cover the land required. The additional quantity may be deducted from the balance of the 50,000 acres remaining for selection by the Company.

I have the honor to be, Sir, your obedient servant,  
DONALD A. SMITH.

Hon. DAVID LAIRD, Minister of the Interior, Ottawa.

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## RETURN

(140)

To an ORDER of the HOUSE OF COMMONS, dated 8th March, 1882:—For Copies of all Reports of Engineers and Petitions respecting Arisaig Pier, Cape George Pier, and Bayfield Breakwater, Nova Scotia, and all other Papers relating thereto since the 30th September, 1878.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
27th March, 1882.

*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]*

## RETURN

(141)

To an ADDRESS of the HOUSE OF COMMONS, dated 13th February, 1882 :

For a Return of all Provincial Acts passed by the Local Legislatures of the several Provinces of the Dominion disallowed by the Government of the Dominion since 1st July, 1867, with reasons for such disallowance set forth in full ; also, of all Provincial Acts which, though not disallowed, have been amended in conformity with the request of the Dominion Government, with the reasons for such amendments set forth in full ; also, of all Provincial Acts which, although not disallowed, have been declared *ultra vires* by Her Majesty's Privy Council or by any Court of competent jurisdiction.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
4th April, 1882.

*Secretary of State.*

DEPARTMENT OF JUSTICE, OTTAWA, 3rd April, 1882.

Upon the reference by the Secretary of State of an Address of the House of Commons, dated the 13th February, 1882, asking for a Return of all Provincial Acts passed by the Local Legislatures of the several Provinces of the Dominion and disallowed by the Government of the Dominion since 1st July, 1867, with the reasons for such disallowance set forth in full ; also, of all Provincial Acts which, though not disallowed, have been amended in conformity with the request of the Dominion Government, with the reasons for such amendments set forth in full ; also, of all Provincial Acts which, although not disallowed, have been declared *ultra vires* by Her Majesty's Privy Council or by any Court of competent jurisdiction, the undersigned has the honor to transmit the information required to comply with the terms of the Address, except that relating to Acts declared *ultra vires* by Her Majesty's Privy Council or any other Court of competent jurisdiction, which information is not of record in this Department and has not yet been obtained.

A. POWER, per D.M.J.

STATEMENT of Provincial Acts objected to, the Nature of the Objection, and the Provincial Action thereon.

ONTARIO.

Act.	Title.	Objection.	Provincial Action.
31 Vic., 1868.— Cap. 5.....	An Act to repeal Cap. 20 of the Consolidated Statutes of Canada, entitled "An Act respecting the Provincial Duty on Tavern Keepers," and to make further provision respecting the same.	Sec. 6, declaring certain counterfeiting to be forgery, is legislating respecting the Criminal Law.	Repealed by 32 Vic., Cap. 27, Ont., 1869.
Cap. 6.....	An Act to repeal Cap. 13 of the Consolidated Statutes of Canada, so far as the same relates to Ontario; to authorize the publication of an <i>Ontario Gazette</i> , and to make provision for inquiries concerning public matters and official notices.	Sec. 2 declares certain conduct a misdemeanor. Sec. 40 do do Sec. 50 do do Secs. 82 & 83 do do Sec. 12 provides qualification for "all Parliamentary Elections." If the Parliament of Canada is meant, it is <i>ultra vires</i> .	Repealed by 32 Vic., Cap. 27, Ont., 1869. do do do do do do do do
Cap. 17.....	An Act to continue for a limited time the several Acts therein mentioned.	Sec. 1, continuing the Bankruptcy Act, 7 Vic., Cap. 10, and— Sec. 3, continuing the operation of certain Savings Banks, are subjects within the exclusive jurisdiction of Canada.	Repealed by 32 Vic., Cap. 27, Ont., 1869. do do
Cap. 38.....	An Act to incorporate the Clifton Suspension Bridge Company.	Incorporates a company to build a bridge beyond the limits of the Province.	Repealed by 32 Vic., Cap. 27, Ont., 1869.
Cap. 64.....	An Act to incorporate the Board of Trade of the Town of Guelph.	Affects the regulation of trade and commerce.	Repealed by 32 Vic., Cap. 27, Ont., 1869.
Cap. 22.....	An Act to amend Cap. 15 of the Consolidated Statutes of U.C., entitled "An Act respecting County Judges."	Inconvenient to have independent power of removal in the Lieut.-Governor.	Amended by Cap. 13, 33 Vic., 1870, but not as required. See Note on Acts 33 Vic., 1870.
33 Vic., 1870.—	Chapters 5, 10, 11, 12, 24, 28 and 71.	Were not reported on within the year, owing to the illness of the Minister of Justice, though not unobjectionable, and therefore all the Acts of 33 Vic., 1870, went into operation.	
34 Vic., 1871.— Cap. 4.....	An Act to provide for the organization of the Territorial District of Thunder Bay.	Sec. 13, forbidding an appeal from a judgment of the Stipendiary Magistrate, affects criminal procedure and is <i>ultra vires</i> .	
Cap. 17.....	An Act to provide for the establishment and government of a Central Prison for the Province of Ontario.	Secs. 13, 14, 15 and 38 deal with matters of criminal procedure.	Confirmed by Cap. 69, 36 Vic., 1873 (Canada).

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued

## ONTARIO—Continued.

Act.	Title.	Objection.	Provincial Action.	
35 Vic., 1872.— Cap. 13.....	An Act to provide for the institution of suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.	The terms are too general, and might apply to suits against the Dominion. Also, the Lt.-Governor's fiat could not be granted in a suit against the Dominion.	On further consideration, this Act was thought to apply to matters within the jurisdiction, and therefore unobjectionable.	
35 Vic., 1872.— Cap. 36.....	An Act for the Prevention of Corrupt Practices at Municipal Elections.	Sec. 17 deals with the evidence to be received in criminal proceedings.	Amended by Sec. 164, Cap. 48, 36 Vic., Ont.	
Cap. 37.....	An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay.	Sec. 26 empowers a Municipal Council to limit the issue of licenses, a power not possessed by the Legislature itself.	Repealed by Revised Statutes of Ontario.	
36 Vic., 1873:— Cap. 2.....	An Act to amend the law respecting Elections of Members of the Legislative Assembly and respecting the trial of such Elections.	Secs 7 and 11, declaring certain actions misdemeanors, interferes with the Criminal Law.	do	do
Cap. 31.....	An Act to make further provisions as to the Custody of Insane Persons.	Sec. 29, authorizing the Lieutenant Governor to extradite an insane person, is <i>ultra vires</i> .	do	do
Cap. 35.....	An Act to provide for the Incorporation of Emigration Aid Societies in the Province of Ontario.	Sec. 13: the use of the term "offence" is inexpedient. Sec. 15 also deals with the Criminal Law.	do	do
Cap. 50.....	An Act to organize the Municipality of Shuniah, and to amend the Acts for establishing Municipal Institutions in Unorganized Districts.	A proviso is made that allowing this Act to go into operation is not to be considered as an acquiescence in the boundary assumed.		
38 Vic., 1874:— (2nd Sess.) Cap. 44.....	An Act to enable the Corporation of the City of Kingston to close up a part of Union street, with the water slip in front of the same, in the said City, and for other purposes.	Power to close up part of the harbour is objectionable.	Amended by Cap. 1, 39 Vic., 1875-76, (Ont.)	
Cap. 67.....	An Act to incorporate the Canada Fire and Marine Insurance Co.	Powers too unlimited. The word "Canada" in the name is also objectionable.	do	do
Cap. 68.....	An Act to incorporate the Industrial and Commercial Life Assurance Company of Canada.	Same objection as to Cap. 67 and also deals with insolvency.	do	do
Cap. 4.....	An Act respecting the operation of the Statutes of Ontario.	Sec. 6 applies to Dominion Statutes. Sec. 12 repeals Statutes relating in part to Criminal Law.	do	do
Cap. 12.....	An Act to amend the Act respecting Division Courts.	Assumes, to a limited extent, the power of appointment.	do	do



## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## ONTARIO—Continued.

Act.	Title.	Objection.	Provincial Action.
38 Vic., 1874:— Cap. 19.....	An Act respecting Apprentices and Minors.	Secs. 17 and 18 trench on the Criminal Law.	Amended by Cap. 1, 39 Vic., 1875-76 (Ont.)
Cap. 28.....	An Act to provide for Voting by Ballot at Municipal Elections.	Sec. 30, <i>re</i> counterfeiting and forgery, is open to same objection as Secs. 17 and 18 of Cap. 19.	do do
39 Vic., 1875-6:— Cap. 8.....	An Act respecting certain Administrative matters therein mentioned.	Sec. 1, empowering the Lieutenant-Governor to appoint a Deputy, should be worded to give the Deputy only such powers as could be conferred on a Lieutenant-Governor by the Legislature.	Repealed by Revised Statutes of Ontario.
Cap. 77.....	An Act to amend the Acts relating to the London, Huron and Bruce Railway Co.	The Sections conferring certain powers on the Great Western Railway Co. are <i>ultra vires</i> .	Amended by Cap. 2, 40 Vic., 1877 (Ont.)
Cap. 79.....	An Act to incorporate the Niagara Falls and Lake Erie Railway Co.	The Secs. 33 and 34, purporting to authorize action by other railway companies, not limiting them to railways under Provincial authority, are <i>ultra vires</i> .	do do
Cap. 92.....	An Act to incorporate the Home Fire Insurance Company.	The provisions for winding up the Company trench upon insolvency.	do do
Cap. 93.....	An Act to incorporate the Union Fire Insurance Company.	The business is not limited to the Province, and Secs. 16, 17 and 18, relate to winding up, and therefore trench upon insolvency.	do do
40 Vic., 1877:— Cap. 4.....	An Act respecting the Administration of Estates of Intestates dying without known relatives in Ontario.	The Legislature has no power to authorize the sale of real estate outside the Province.	Repealed by Revised Statutes of Ontario.
Cap. 17.....	An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.	Sec. 15 trenches upon the Criminal Law respecting Malicious Injuries to Property.	do do
Cap. 18.....	An Act to amend the Acts respecting the Sale of Fermented or Spirituous Liquors.	The power of a Provincial Legislature to deal with this subject is questioned. Secs. 16, 18, 19, 20, 21, 22 and 23, use the word "offence," previously objected to.	do do
Cap. 24.....	An Act respecting the Territorial and Temporary Districts of the Province and the Provincial County of Haliburton.	Sec. 9 gives the Stipendiary Magistrates the powers, &c., of a County Court Judge as they exist, or may be extended. This should be limited, as the powers of a County Court Judge might be extended beyond what would be convenient to allow a local official.	do do (Sec. 9 of Cap. 4, 41 Vic., 1878, limits the powers of Police Magistrates temporarily appointed.)

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## ONTARIO—Concluded.

Act.	Title.	Objection.	Provincial Action.
40 Vic., 1877 :— Cap. 24.....	An Act respecting the Territorial and Temporary Districts of the Province and the Provincial County of Haliburton.	Sec. 10: the remarks on Sec. 9 apply also to this Section. This Section repeals Secs. 17, 29 and 80, of Ch. 128, Con. Stats., U.C., which relate to Criminal Law. Sec. 9 also applies Secs. 48, 105, 181 and 184 of the Act relating to Division Courts, which Sections form part of the Criminal Law.	Repealed by Revised Statutes of Ontario.  do do
Cap. 66.....	An Act to incorporate the Standard Fire Insurance Company.	Sec. 18 does not definitely limit the business to the Province.	Not amended.
41 Vic., 1878 :—	All the Acts of this Session were left to their operation.		
42 Vic., 1879 :— Cap. 13.....	An Act respecting Grand Juries.	It has been agreed to submit the question of Jurisdiction to the Supreme Court.	
43 Vic., 1880 :—	All the Acts of this Session have been left to their operation.		

## QUEBEC.

31 Vic., 1868 :— Cap. 14.....	An Act to continue for a limited time the several acts therein mentioned.	Sec. 2 deals with Bankruptcy and is therefore <i>ultra vires</i> .	Explanations of the Quebec Government were accepted.—Bankruptcy clause to be allowed to expire.
Cap. 24.....	The Joint Stock Companies General Clauses Act.	The powers of Companies to be established under this Act should be limited to the Province. The 8th Sub-Section of Sec. 2 legislates upon the subject of Fisheries, which is <i>ultra vires</i> especially as to the waters adjacent to the Province.	Amended by Cap. 41, 32 Vic. 1869—Quebec. do do
Cap. 25.....	An Act respecting the Incorporation of Joint Stock Companies.	Sec. 2, the same remarks that are made on Cap. 24 apply to this section.	Amended by Cap. 42, 32 Vic., 1869—Quebec.
Cap. 37.....	An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.	Sec. 14 should be limited to proceedings in Recorder's Courts,—criminal proceedings belonging to the general Parliament.	Amended by Cap. 70, Sec. 19, 32 Vic., 1869—Quebec.
Cap. 46.....	An Act to incorporate the Chambly Hydraulic and Manufacturing Co.	Authorizes the obstruction of the River Richelieu.	Amended by Cap. 68, 32 Vic., 1869—Quebec.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## QUEBEC—Continued.

Act.	Title.	Objection.	Provincial Action.
31 Vic., 1868 :— Cap. 47.....	An Act to incorporate the Canada Marine Insurance Co.	Sec. 2 insures risks beyond the limits of the Province.	Repealed by Cap. 66, 32 Vic., 1869—Quebec.
33 Vic., 1870 :—	All the Acts of this Session were left to their operation.—Doubts were expressed as to the power to pass Cap. 5. "An Act to uphold the authority and dignity of the Houses of the Quebec Legislature, and the independence of the members thereof, and to protect persons publishing Parliamentary Papers," but it was not disallowed.		
34 Vic., 1870 :—	All the Acts of this Session were left to their operation. Attention being called to Cap. 2, respecting licenses, and Cap. 68, respecting the Municipal Code, as possibly interfering with Trade and Commerce, but any person aggrieved can test their validity in the Courts.		
35 Vic., 1871 :—	No special report was made on the Acts of this Session as they were all considered unobjectionable.		
36 Vic., 1872 :— Cap. 52.....	Act to incorporate the Town of Nicolet.	Sec. 54 deals with Criminal Law.	Repeal of this and Caps. 53 & 59 was suggested, but it was thought that the constitutionality of these Acts could be tested in the Courts.
Cap. 53.....	An Act to incorporate the Corporation of the Town of Lachine.	Sec. 46 do do	
Cap. 59.....	An Act to amend the Act 23 Vic. Cap. 76, intituled: "An Act to incorporate the Village of Terrebonne as a Town.	Sec. 33 do do	
37 Vic., 1873-4 :— Cap. 55.....	An Act to incorporate the Ottawa Iron and Steel Manufacturing Co. (limited).	Sec. 4 gives powers that might interfere with navigation, and is therefore <i>ultra vires</i> .	Cap 87, 38 Vic., 1875, amending this Act in some particulars does not touch the objection to Sec. 4.
38 Vic., 1874-5 :— Cap. 7.....	An Act respecting the Election of Members of the Legislative Assembly of the Province of Quebec.	Secs. 1 and 3, use the term "Parliamentary" electors, which is objectionable; also Sec. 64.  Secs. 56, 57, 218, 235, 238, 258, 290 and 291, trench upon the Criminal Law.	Cap. 27, 40 Vic., Sec. 1, amends or repeals the sections objected to.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## QUEBEC—Continued.

Act.	Title.	Objection.	Provincial Action.
38 Vic., 1874-5:— Cap. 76.....	An Act to amend and consolidate the Act of Incorporation of the City of Three Rivers, and the various Acts which amend the same.	Sec. 79, Sub-Sec. 4, trenches upon the provisions of the Criminal Law.	Sub-sec. 4 of Sec. 79 repealed by Cap. 27, 40 Vic., Sec. 2.
Cap. 78.....	An Act to amend the Act 36 Vic., Cap. 53, intituled: "An Act to incorporate the Corporation of the Town of Lachine."	Sec. 27, some of the provisions of this section are <i>ultra vires</i> .	Cap. 27, 40 Vic., 1876, Sec. 3, repeals certain powers given by this section to the Police.
Cap. 79.....	An Act to incorporate the City of Hull.	Sec. 91, empowering the Council of Hull to make By-Laws relating to Ferries between Hull and Ottawa, is <i>ultra vires</i> . Sec. 130, trenches upon the provisions of the Criminal Law, and is similar to Sec. 54, Cap. 52, 36 Vic., already objected to. Secs. 166, 219, 220 and 221, deal with Criminal Law.	Amended by Cap. 27, 40 Vic., 1876, Sec. 4.  Repealed by 40 Vic., Cap. 27, Sec. 4, (1876). NOTE—This Act and also Cap. 81 were only allowed to go into operation upon the assurance of the Administrator (17th and 20th November, 1876), that they would be amended. Secs. 166 and 219, amended by Cap. 27, 40 Vic., Sec. 4, (1876)
Cap. 81.....	An Act to incorporate the Atlantic Insurance Company of Montreal.	The business to be done is not strictly confined to the Province; an objection already made to Insurance Companies similarly incorporated.	See Note on Cap. 79; Cap. 27, 40 Vic., (1876), Sec. 5 repeals any provision authorizing the Company to do business outside the Province.
Cap. 89.....	An Act to incorporate the Sherbrooke Gas Company.	Secs. 15, 18 and 19 appear to come within the Criminal Law, being provided for in the Act relating to Malicious Injuries to Property.	Secs. 15, 18 and 19 repealed by Sec. 6, Cap. 27, 40 Vic., 1876.
Cap. 17.....	An Act to divide the Registration Division of Montreal into three Registration Divisions.	This Act was petitioned against as depriving Mr. G. H. Ryland, the Registrar, of emoluments guaranteed to him by the Imperial Government.	The Lieut.-Governor's assurance that Mr. Ryland's interests, would be protected, was accepted.
39 Vic., 1875:— Cap. 33.....	An Act to amend and consolidate the various Acts respecting the Notarial Profession in this Province.	Section 7 makes an assault upon a Notary a misdemeanor.	Sec. 7 repealed by Cap. 27, 40 Vic., 1876, Sec. 7.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## QUEBEC—Continued.

Act.	Title.	Objection.	Provincial Action.
39 Vic., 1875:— Cap. 41.....	An Act to annex certain portions of the Township of Shawingan, in the County of St. Maurice, to the Parish of St. Flore, in the County of Champlain, for School, Municipal and Registration purposes, and for the purposes of Parliamentary Representation.	The use of the term "Parliamentary" again objected to. (See report on Cap. 7 of previous Session.) The same objection applies to Cap. 42 with reference to County of Lotbinière, and to Cap. 43 with reference to Bellechasse.	Caps. 41, 42 and 43 amended as to the term "Parliamentary," by 40 Vic., Cap. 27, Secs. 8, 9 and 10, 1876,
Cap. 50.....	An Act to incorporate the City of Sherbrooke.	Sec. 33. Sub-Sec. 4, appears to trench upon the Criminal Law.  Sec. 43 provides for punishing an offence within Sec. 110 of the Larceny Act, and therefore deals with criminal procedure.	Repealed by 40 Vic., Cap. 27, Sec. 11, 1876.  No action taken about Sec. 43.
Cap. 56.....	An Act to amend the Act incorporating the Montreal, Portland and Boston Railway Company.	This Company, formerly the "Montreal, Chambly and Sorel Railway Co.," was declared by Act of Canada, 36 Vic., Cap. 87, 1873, to be a work for the general advantage of Canada, and therefore by Sec. 92 of the B. N. A. Act, the powers of the Local Legislature could not extend to it.	This Act repealed by 40 Vic., Cap. 27, Sec. 12, 1876
Cap. 60.....	An Act to incorporate the Patriotic Insurance Company of Canada.	Sec. 7 does not limit the operations of the Company, an objection already made to Cap. 81 of the preceding Session.  Secs 27 and 28 trench upon the Criminal Law.	Amended by 40 Vic., Cap. 27, Sec. 13, 1876. Repealed by 40 Vic., Cap. 27, Sec. 13, 1876. Sec. 28 amended by 40 Vic., Cap. 27, sec. 13, 1876, and the name changed, dropping 'Canada.'
Cap. 62.....	An Act to change the name of the Provincial Permanent Building Society to that of the Provincial Loan Company, and to extend the powers thereof.	Secs. 9 and 11 appear to interfere with the law of interest, and therefore <i>ultra vires</i> .  The 11th Sec. of Cap. 63, a similar enactment, is open to the same objection.	Secs. 9 and 11 amended by 40 Vic., Cap. 27, Sec. 14, 1876. Amended by 40 Vic., Cap. 27, Sec. 15, 1876.
Cap. 64.....	An Act respecting a Company incorporated under the name of "Le Credit Foncier du Bas Canada."	This Company was already incorporated under Cap. 102, 36 Vic., Canada, and it seems objectionable that a Provincial Legislature should regrant powers to a Canadian company.	Apparently no action taken.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## QUEBEC—Continued.

Act.	Title.	Objection.	Provincial Action.
39 Vic., 1875:— Cap. 66.....	An Act to authorize the Victor Hudon Cotton Company, Hochelaga, to issue debentures on the security of the property of the said Company, and for other purposes.	Sec. 2, Sub-Sec. 4, interferes with the law of interest.	Amended by 40 Vic., Cap. 27, Sec. 16: 1876.
Cap. 76.....	An Act to incorporate the musical band of the Village of Lauzon.	This Act empowers the Association to impose a fine or imprisonment in certain cases, a power which it is extremely inconvenient to confer upon such a corporation as this.	The provisions objected to are repealed by 40 Vic., Cap. 27, Sec. 17.
Cap. 36.....	An Act for the civil erection of several parishes cut off from the territory of the old parish of Notre Dame of Montreal.	This Act departs from the practice under Cap. 18, Consolidated Statutes Lower Canada, and ratifies in advance any decrees which may be made by the local ecclesiastical authority.	No action.
Cap. 35.....	An Act to amend an Act of this Province, 38 Vic., Cap. 29.	The remarks upon Cap. 36 apply to this Act.	do
Cap. 7.....	An Act to compel Assurers to take out a License.	The imposition of a tax of one per cent. on renewals of life assurance contracted for at a specified premium before the passing of this Act is unfair to the Company.	do
40 Vic., 1876:—	All the Acts of this Session were left to their operation.		
41 Vic., 1877-8:— Cap. 3.....	An Act to amend and consolidate the Quebec License Act and its amendments.	Some of the provisions of this Act were thought to be <i>ultra vires</i> , but being questions susceptible of settlement by the Courts, it was allowed to go into operation.	
Cap. 26.....	An Act to define and regulate the limits of certain municipalities and parishes in the Counties of Nicolet, Arthabaska and Drummond, and to include in the County of Nicolet the portions of these municipalities and parishes not now included therein.	Sec. 11 deals with the rights of Voters at Federal Elections, and is, in that particular, inoperative.	
41-42 Vic. 1878:—	The 15 Acts of this Session were left to their operation.		
42-43 Vic. 1879:— Cap. 58.....	An Act to consolidate and amend the Act incorporating the Town of St. Henri.	Sec. 15, Sub-Secs. 7 and 8, appear to entrench upon the regulation of Trade and Commerce, but as the whole question is before the Supreme Court, <i>in re Jones vs. Gilbert</i> , no interference is recommended.	No action taken.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## QUEBEC—Concluded.

Act.	Title.	Objection.	Provincial Action.
42-43 Vic., 1879:— Cap. 60.....	An Act to amend the Act incorporating the City of Sherbrooke (39 Vic., Cap. 50).	Sec. 9 deals with the subject of interest, and is therefore <i>ultra vires</i> .	No action taken.
43-44 Vic. 1880:—	All the Acts of this Session were left to their operation.  (The Acts of 1881 not yet reported upon.)		

## NOVA SCOTIA.

31 Vic., 1868:— Cap. 2.....	An Act to amend Cap. 120 of the Revised Statutes of the Solemnization of Marriage, and the Registration of Marriages, Births and Deaths, and the Act in amendment thereof.	This Act does not alter the previous law, except as to the person who shall distribute licenses, and therefore it may go into operation, but the right to issue the license must be referred to the Law Officers of the Crown.	NOTE.—A similar Act of New Brunswick, 32 Vic., Cap. 93, 1869 (reserved), was referred to the Law Officers of the Crown in England, who decided that it was within the competence of the Legislature.
Cap. 4.....	An Act to amend Cap. 137 of the Revised Statutes for the Relief of Insolvent Debtors.	This Act seems <i>ultra vires</i> , but as the Act amended by it was more for the relief of indigent debtors than a law of insolvency, it was allowed to go into operation. (A similar law of New Brunswick was declared unconstitutional by the Court there.)	
Cap. 18.....	An Act to amend the Act for the appointment of a Stipendiary Magistrate and Police Constable in the Town of Pictou.	Sec. 2, allowing a jury of three disinterested persons to try a larceny case, is an interference with criminal procedure	Repealed by 33 Vic., Cap. 42, N.S.
32 Vic., 1869:— Cap. 11.....	An Act to amend Cap. 75 of the Revised Statutes of Shipping and Seamen.	<i>Ultra vires</i> as dealing with Trade and Commerce, and Navigation and Shipping. NOTE.—The time within which this Act could be disallowed expired without any disallowance.	No action taken.
Cap. 12.....	An Act in addition to Cap. 162 of the Revised Statutes of Offences against the Public Peace.	Doubt expressed whether Secs. 2 and 3 are not <i>ultra vires</i> .	do
Cap. 16. . .	An Act to amend Cap. 92 of the Revised Statutes of the Preservation of Useful Birds and Animals, and the Act in amendment thereof.	Affects Trade and Commerce.	do

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## NOVA SCOTIA—Continued.

Act.	Title.	Objection.	Provincial Action.
33 <sup>1</sup> Vic., 1870.— Cap. 2.....	An Act to improve the Administration of Justice.	Sec. 8 legislates as to the discharge of insolvent debtors, and perhaps infringes on the jurisdiction of Canada, but the objection is not of sufficient importance to warrant disallowance.	
Cap. 6.....	An Act to amend Cap. 103 of the Revised Statutes of the Conveyance of Timber and Lumber on Rivers, and the removal of Obstructions therefrom.	This Act was reserved for a separate report, but was afterwards allowed to go into operation by efflux of time.	
Cap. 17.....	An Act to amend Cap. 79 of the Revised Statutes of Pilotage, Harbors and Harbor Masters.	do do	
34 Vic., 1871.— Cap. 57. ...	An Act to incorporate the Nova Scotia Mutual Fire Insurance Company.	Sec. 14 is unconstitutional as declaring certain conduct a misdemeanor.	Amended by Cap. 99, 35 Vic., N.S.
35 Vic., 1872.—	All Acts left to their operation.		
36 Vic., 1873.— Cap. 38.....	An Act to incorporate the Whitehaven, New Glasgow and North Shore Railway.	Sec. 6 gives power to purchase, etc., without the Province. Sec. 9, giving power to cross any river, brook or stream, does not except navigable waters.	Repealed by Cap. 23, 38 Vic., 1875, N.S.
Cap. 39.....	An Act to incorporate the Sydney and East Bay Railway Company.	Secs. 9 and 12—The remarks as to Cap. 38 apply also to this one. Sec. 10 should be limited to railways within the Province.	do
Cap. 40.....	An Act to incorporate the Nictaux and Atlantic Railway Company.	Secs. 8, 11 and 14—The remarks on Cap. 38 apply also to this Act.	do
37 Vic., 1874.— Cap. 14.....	An Act to amend the Revised Statutes of Licenses for the sale of Intoxicating Liquors.	Purports to restrain and prohibit the sale of intoxicating liquors under certain circumstances.	Apparently no action taken.
Cap. 15.....	An Act to prevent the sale of Intoxicating Liquors at Camp Meetings.	do do	do
Cap. 18.....	An Act to establish County Courts.	Sec. 3 limits the choice of the Governor-General in appointing Judges.	This Act has been repealed by Cap. 2, 43 Vic., 1880, N.S.
Cap. 62.....	An Act to incorporate the Eastern Counties Railway Company.	Sec. 10 is <i>ultra vires</i> as authorising the Company to purchase, &c., within and without the Province.	Repealed by Cap. 23, 38 Vic., 1875, Sec. 1, N.S.



## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## NOVA SCOTIA—Continued.

Act.	Title.	Objection.	Provincial Action.
37 Vic., 1874 :— Cap. 62.....	An Act to incorporate the Eastern Counties Railway Company.	Sec. 13, empowering to cross any harbors, &c., makes no reservation regarding navigation.	Repealed by Sec. 2, Cap. 23, 38 Vic.
Cap. 63.....	An Act to incorporate the Inverness Railway Company.	Sec. 14—See remarks on Cap. 62 as to navigation.	Repealed by Cap. 23, 38 Vic., Sec. 2, 1875, N.S.
Cap. 68.....	An Act to incorporate the "Styles Mining Company," limited.	Sec. 10 do do	do
Cap. 69.....	An Act relating to the General Mining Association, limited.	Sec. 2 do do	do
38 Vic., 1875.— Cap. 25.....	An Act for amending the Law relating to Election Petitions and for providing more effectually for the Prevention of Corrupt Practices at Elections.	Sec. 74 deals with criminal procedure.	No action taken.
Cap. 29.....	An Act to continue the Acts of Incorporation of Wharf, Pier and Breakwater Companies.	Sec. 1 continues certain powers which may be beyond local jurisdiction, but the Act may go into operation.	Not amended.
Cap. 76.....	An Act to incorporate the Globe Marine Insurance Co.	On this Act together with Caps. 77, 78 & 79, reference is made to the report of 27th October, 1875, upon the Prince Edward Island Act to incorporate the "Merchants Marine Insurance Co." in which the unlimited nature of the business to be done is pointed out; and also to the report of 16th November, 1875, upon the Ontario Act to incorporate the "Canada Fire and Marine Insurance Co." which points out that the Act does not provide that the chief place of business of the Company shall be in the Province and also objects to the name "Canada" as indicating more than Provincial power.	Amended by 40 Vic., Cap. 4, 1877, N.S. This amending Act applies also to Caps. 77, 78 & 79.
Cap. 77.....	An Act to continue and amend the Act relating to the Nova Scotia Marine Insurance Co.		
Cap. 78.....	An Act to incorporate the Maitland Marine Insurance Co.		
Cap. 79.....	An Act relating to the Union Marine Insurance Co. of Nova Scotia.		
Cap. 89.....	An Act to incorporate the Colchester Lumber Driving and Manufacturing Co.		
Cap. 90.....	An Act to incorporate the St. Margarets' Bay Lumber and Timber Driving Co.	Also that some of these Streams might be made navigable by a small expenditure and that Cap. 92 does not contain a restrictive clause as to navigation.	
Cap. 91.....	An Act to incorporate the Cumberland Driving Co.		
Cap. 92.....	An Act to incorporate the Liscombe River Driving Co.		

STATEMENT of Provincial Acts objected to, the Nature of the Objection, &c.—*Continued.*NOVA SCOTIA—*Continued.*

Acts.	Title.	Objection.	Provincial Action.
39 Vic., 1876 :— Cap. 1.....	An Act to alter and amend Cap. 75 of the Revised Statutes of Licenses for the sale of intoxicating liquors and the Acts in amendment thereof.	The word "offence" is several times used.	Not amended.
Cap. 22.....	An Act respecting the Legislature of Nova Scotia.	Sec. 2 asserts a right to legislate in excess of what has been decided to be the legislative power of a Province—  Sec. 14, sub-Sec. 3, should be confined to officers of the Legislature.  Sec. 17, last paragraph, gives the rules of either House the force of law.	Not repealed.  do  do
Cap. 42.....	An Act respecting the Lower Chezzetcook Dyke, in the County of Halifax.	Sec. 4 uses the term "offence" already objected to.	
Cap. 43.....	An Act to provide for supplying the Town of Dartmouth with water.	Sec. 21 is wide enough to embrace breaches of the Criminal Law.	Not amended.
Cap. 49.....	An Act to amend the Act to incorporate the Town of Truro.	Secs. 8 & 10 appear to trench upon Criminal Law and Procedure.	
Cap. 88.....	An Act to amend the Act to incorporate the Colchester Lumber Driving and Manufacturing Co.	See remarks on the original Act Cap. 89, 38 Vic., 1875.	
Cap. 92.....	An Act to incorporate the Nova Scotia Fishing Co. (Limited)	There is no provision as to the place or places where the business is to be carried on or as to the range of the powers of the Company.	Amended by 40 Vic., Cap. 4, Sec. 6, 1877, N.S.
40 Vic., 1877 :— Cap. 57.....	An Act further to amend the Act to incorporate the Town of New Glasgow.	Sec. 4 provides that all fines, costs and fees, shall form a fund to pay the Recorder's salary and expenses of the Court, this should be restricted to fines, &c., under laws within the exclusive jurisdiction of the Province—  Sec. 8 confers on the Police Court the powers of one or more Justice of the Peace.	Amended by 42 Vic., Cap. 57, Sec. 3, 1879, N.S.  Amended by 42 Vic., Cap. 97, Sec. 5, 1879, N.S.
41 Vic., 1878 :—	All the Acts of this Session left to their operation.		
42 Vic., 1879 :—	All the Acts of this Session were left to their operation.		

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## NOVA SCOTIA—Concluded.

Act.	Title.	Objection.	Provincial Action.
43 Vic., 1880 :—	All the Acts of this Session were left to their operation. Caps. 9, 11 & 68, contain some provisions that appear to be beyond Local Jurisdiction, but they are not of a nature to cause any inconvenience.  (The Acts of 1881 not reported upon.)		

## NEW BRUNSWICK.

31 Vic., 1868 :— Cap. 25.....	An Act to exempt the Homesteads of families from levy or sale on execution.	Sec. 9 makes the fraudulent violation of an Oath by an Appraiser a felony.	Repealed by 32 Vic., Cap. 18, 1869, N.B.
Cap. 56.....	An Act relating to the Central Bank of New Brunswick.	Relates to Banking and the issue of Paper Money.	Repealed by 32 Vic., Cap. 27, 1869, N.B.
Cap. 57.....	An Act to extend the time for the building of the Albert Railway.	The subsidy to this Railway is a liability of the Dominion, and the Provincial Legislature had no power to extend it.	See 32 Vic., Cap. 57, 1869, N.B., an Act in addition to this.
32 Vic., 1869 :— Cap. 3.....	An Act in amendment of the Act of Assembly, 24 Vic., Cap. 30, relating to the Police Force in the City of St. John.	Appears to affect criminal procedure.	Repealed by 33 Vic., Cap. 76, 1870, N.B.
33 Vic., 1870 :— Cap. 35.....	An Act to divide the Parish of St. Stephen, in the County of Charlotte, and to erect a separate District for Ecclesiastical purposes.	This Act was petitioned against, but was, after consideration, allowed to go into operation by lapse of time without comment.	
34 Vic., 1871 :— Cap. 1.....	An Act relating to the Police Establishment in the City of Fredericton.	Sec. 14 is in excess of Provincial Jurisdiction in providing that the Police Magistrate can do alone what requires two or more Justices of the Peace.	Not amended.
Cap. 19.....	An Act to authorize the appointment of a District or Stipendiary Magistrate for the County of Gloucester.	Is objectionable for the same reason as given respecting Cap. 1.	do
Cap. 6.....	An Act in addition to An Act passed in the 33rd year of the reign of Her present Majesty, intituled: "An Act to continue and amend An Act to regulate the sale of Spirituous Liquors."	Considerable doubt expressed whether this Act is not in some respects <i>ultra vires</i> as interfering with trade, but its constitutionality can be tested in the Courts.	The whole Act repealed, and Cap. 105, Consolidated Statutes, N.B., substituted.

STATEMENT of Provincial Acts objected to, the Nature of the Objection, &c.—*Continued.*NEW BRUNSWICK—*Continued.*

Act.	Title.	Objection.	Provincial Action.
34 Vic., 1871 :— Cap. 21.....	An Act relating to Common Schools.	This Act was petitioned against, but was considered within the jurisdiction of the Province.	The whole of this Act has been repealed, and Cap. 65, Consolidated Statutes, N.B., substituted.
35 Vic., 1872.....	All the Acts of this Session were considered unobjectionable.		
36 Vic., 1873 :— Cap. 13.....	An Act further relating to the several County Courts of New Brunswick.	Sec. 1 refers to appeals from the conviction of a Justice of a County Court in its criminal competence a matter of criminal procedure.	This Act repealed by Cap. 51, Consolidated Statutes, N.B.
Cap. 29.....	An Act to establish certain Courts in the County of Madawaska.	Sec. 4 is in effect the appointment of a Judge and therefore <i>ultra vires</i> .	Amended in 1874, Cap. 11.
Cap. 86.....	An Act to incorporate the Saint George Red Granite Co, Limited.	Sec. 3 contemplates the carrying on of a business by a Company in England and in the United States.	No action.
Cap. 88.....	An Act to incorporate the Lake George Railway Co.	No restriction as to navigable waters.	do
Cap. 91.....	An Act to authorize David H. Budge and Samuel Stanton to erect a Boom across Eel River (near the mouth thereof), in the County of York; also side Booms and Piers in connection therewith.	do do ...	do
Cap. 92.....	An Act to incorporate the North-West Boom Company.	No restriction as to navigable waters.	No action.
Cap. 93.....	An Act to incorporate the Bay of Fundy Red Granite Company (limited).	do do	do
Cap. 100....	An Act to incorporate the Back Creek Stream Driving Company.	do do	do
Cap. 103....	An Act to incorporate certain Districts of the Parish of St. Stephen, in the County of Charlotte, to be known as the Town of Milltown.	Sec. 42, Sub-Sec. 1, purports to confer on the Town the right to make By-Laws regulating Weights and Measures. Secs. 4, 5 & 6, appear to be in restraint or regulation of Trade and Commerce.	do do
37 Vic., 1874....	The Acts of this Session went into operation. (The original Bill was materially changed.)		
38 Vic., 1875 :— Cap. 11.....	An Act to provide for the Establishment, Maintenance and Management of Reformatory and Industrial Schools.	The inconvenience and unsuitability of confining criminals and destitute but unoffending children in the same building is pointed out, but the Act is within Provincial Jurisdiction.	Repealed by Cap. 66, Consolidated Statutes, N.B., but the same objection applies to the new Act.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## NEW BRUNSWICK—Continued.

Act.	Title.	Objection.	Provincial Action.
38 Vic., 1875: — Cap. 13.....	An Act to authorize the issue of Provincial Debentures for certain purposes.	The certain purposes are (1) aiding the construction of a Bridge across the St. John River, at Woodstock, a navigable River.	Not amended.
Cap. 38.....	An Act to amend an Act to incorporate the Fredericton Boom Company, and the several Acts in amendment thereof.	The possible interference with navigation by legislation of this nature has already been pointed out.	do
Cap. 40.....	An Act to incorporate the Town of Moncton.	Sec. 47 giving power to the Council to provide for the management of Wharves, Piers, &c., appears beyond Provincial competence.	do
Cap. 100....	An Act to provide for the establishment of a Police Force and Lock-up House at Caraquet, in the County of Gloucester.	Secs. 5, 9 & 15, use the word "offence" in describing breaches of the Act. Sec. 7 provides a special punishment for assaults on constables.	No action taken. Repealed by 40 Vic., Cap. 48, 1877, N.B.
		Sec. 8, the offence provided against by this section is a malicious injury to property already provided for by Canadian Law.	do do
		Secs. 10 to 15 & 19, appear to trench upon Criminal Procedure.	Secs. 10, 11, 12 & 14, amended by 40 Vic., Cap. 48, 1877, N.B.
Cap. 111....	An Act to incorporate the Maritime Mutual Fire Insurance Co.	The powers of the Company not distinctly limited to a Provincial business.	No action taken.
Cap. 116....	An Act to incorporate the St. Croix Wharf Co.	The inconvenience of such legislation has already been pointed out, and a question may arise as to the validity of the Act.	do
Cap. 118....	An Act to incorporate the Shediac Station Wharf Co.	The observations made on Cap. 116 apply also to this Act.	do
Cap. 123....	An Act to incorporate the Bellevue Albertite and Oil Co.	Authorizes the Company to construct a railway or tramway over or across any brooks, streams, or rivers, &c., to build Harbours Piers or Breakwaters. The questions which may arise with reference to such legislation have already been pointed out.	do
Cap. 125....	An Act to incorporate the Red Granite Co. of St. George.	Sec. 8 contains provisions similar to those referred to in Cap. 123.	do

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## NEW BRUNSWICK—Continued.

Act.	Title.	Objection.	Provincial Action.
38 Vic., 1875 :— Cap. 127.....	An Act to authorize the erection of a Boom across the Jacquet River in the County of Northumberland.	Reference is made to remarks previously made upon legislation of a similar character.	No action taken.
Cap. 129.....	An Act to incorporate the Eel River Driving Company.	do do	do
Cap. 143....	An Act to incorporate the Maduxuinik Stream Driving Company.	do do	do
39 Vic., 1876 :— Cap. 51.....	An Act to incorporate the New Brunswick Red Granite Company, Limited.	This Act contains provisions similar to those of Caps. 116, 118 and 123, and the same remarks are applicable.	do
Cap. 52.....	An Act to incorporate the Lepreaux Red Granite and Freestone Company.	do do	do
Cap. 63.....	An Act to incorporate the Pollet River Log Driving Company.	Reference is made to observations already made upon similar Acts of the last Session.	do
40 Vic., 1877 :— Cap. 3.....	An Act relating to Municipalities.	Sec. 17, is an interference with the Criminal Law relating to perjury. Sec. 90, the word "offence" is used. Secs. 92, 93, 94 and 95, interfere with criminal procedure, and are very objectionable. Secs. 97, ss. 32 and 39, appear to entrench upon the subject of Weights and Measures.	The whole Act repealed by Cap. 99, Consolidated Statutes, N.B.
Cap. 11.....	An Act relating to Fences, Trespasses and Pounds.	Sec. 8, uses the word "offence" already objected to.	The whole Act repealed by Cap. 110, Consolidated Statutes, N.B. do
Cap. 25.....	An Act to regulate the sale of Spirituous Liquors in the Parishes of Lancaster, Simonds and St. Martins, in the City and County of St. John.	The right of a Local Legislature to deal with this question has already been doubted. Sec. 19, among other provisions forbids the sale of liquor to Indians, who are not under local jurisdiction. Sec. 20, respecting Seamen, already legislated upon by Cap. 129, Sec. 104, 1873 (Canada). Secs. 33 and 41, the word "offence" is used.	
Cap. 27.....	An Act to increase the facilities for the collection of Small Debts in the City of Fredericton.	The danger of permitting Provincial Legislation which not only constitutes Courts for the Administration of Justice, but also appoints the Judges is stated to have been pointed out with reference to Acts of British Columbia and Ontario.	Cap. 56, Consolidated Statutes, N.B., repeals all this Act except Secs. 3 and 13.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## NEW BRUNSWICK.—Continued.

Act.	Title.	Objection.	Provincial Action.
41 Vic., 1877 :— Cap. 8.....	(Special Session after St. John Fire.) An Act to define and establish the Side Lines of Streets in the City of St. John and to prevent encroachments on the Public Streets.	Sec. 4, declares an encroachment upon a Street to be a public nuisance. A public nuisance is punishable by indictment under the Criminal Law.	No action taken.
41 Vic., 1878 :—	All the Acts of this Session were left to their operation with the remark on Cap. 49, relating to the sale of Spirituous Liquors in Moncton, that the question as to interference with Trade and Commerce was still undecided.		
42 Vic., 1879 :— Cap. 29.....	An Act to incorporate the Sheer Boom Improvement Company.	The possible interference with navigation has already been pointed out with reference to similar legislation.	Not amended.
Cap. 30.....	An Act to incorporate the Restigouche Boom Company.	do do ...	do
43 Vic., 1880 :—	All the Acts of this Session were left to their operation.  (The Acts of 1881 not yet reported on.)		

## PRINCE EDWARD ISLAND.

37 Vic., 1874 :— Cap. 1.....	An Act to amend an Act passed in the 36th year of the reign of Her Majesty Queen Victoria, intituled: "An Act to establish County Courts of Judicature in this Island.	Sec. 29, giving the Judge certain powers in cases of perjury, is an interference with Criminal Law and Procedure.	Repealed by 38 Vic., Cap. 13, Sec. 1, 1875, P.E.I.
Cap. 8.....	An Act to consolidate and amend the Laws enabling the Supreme Court of Judicature to order the examination of witnesses upon interrogatories and otherwise.	Sec. 5 interferes with Criminal Law and Procedure in reference to perjury.	do
Cap. 13.....	An Act to incorporate the Prince Edward Island Chamber of Commerce.	Dominion Act, 37 Vic., Cap. 51, 1874, provides generally for the incorporation of Boards of Trade and is applicable to Prince Edward Island. Sec. 22 constitutes the crime of perjury, and is therefore <i>ultra vires</i> .	Repealed by 38 Vic., Cap. 23, 1875, P.E.I.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## PRINCE EDWARD ISLAND—Continued.

Act.	Title.	Objection.	Provincial Action.
37 Vic., 1874 :— Cap. 21.....	An Act to amend the Law relating to Controverted Elections of Members to serve in the General Assembly of Prince Edward Island, and for providing more effectually for the Prevention of Corrupt Practices at Elections.	Sec. 36 provides penalties for perjury.	Repealed by 38 Vic., Cap. 13, Sec. 1, 1875, P.E.I.
38 Vic., 1875 :— Cap. 1.....	An Act to incorporate the Merchants' Marine Insurance Company of Prince Edward Island.	Sec. 2 does not properly restrict the business to be done in the Province.	Amended by 39 Vic., Cap. 19, 1876, P.E.I.
Cap. 6.....	An Act to amend the Act to extend the Criminal Jurisdiction of the Police Court in the City of Charlottetown.	Secs. 2 and 3 alter the penalties for certain crimes.	Amended by 39 Vic., Cap. 18, 1876, P.E.I.
39 Vic., 1876 :— Cap. 2.....	An Act regulating the sale by license of Spirituous Liquors.	Secs. 2 and 7 use the term "offence." Sec. 16 provides a penalty for selling liquor to an Indian, a matter fully provided for by the 79th and following sections of 39 Vic., Cap. 18, 1876 (Canada). Sec. 49 providing a penalty for obstructing a constable, comes within the Criminal Law. Sec. 52 uses the term "offence" in an objectionable way, as applied to action required to be taken by the Grand Jury at the commencement of a prosecution. Secs. 55, 58 and 59, employ the words "offence" and "offender."	Secs. 2 and 7 amended by 40 Vic., Cap. 11, Sec. 1, 1877. Sec. 16 repealed by 40 Vic., Cap. 11, Sec. 2, 1877. Amended by 40 Vic., Cap. 11, Sec. 1, 1877. do do do do
Cap. 9.....	An Act to amend the Insolvent Debtors' Act.	The use of the phrases "insolvent" and "insolvent debtor," is calculated to create embarrassment, but the Act hereby amended is not in the proper sense an insolvent law, being rather a law to investigate the hardships of imprisonment for debt.	No action taken.
Cap. 10.....	An Act enabling the Stipendiary Magistrate of the City of Charlottetown to grant relief to Insolvent Debtors.	To this Act, the observations made with reference to Cap. 9, are applicable.	do do
Cap. 17.....	An Act relating to Coroners' Inquests.	Doubt was expressed with reference to Act of British Columbia, 37 Vic., No. 4, whether such legislation was not an interference with Criminal Procedure, but as no suggestion was made in that case, the same course was followed in this instance.	do do



## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## PRINCE EDWARD ISLAND—Continued.

Act.	Title.	Objection.	Provincial Action.
39 Vic., 1876 :— Cap. 21.....	An Act respecting the Town of Summerside.	Sec. 4 uses the words "offence" and "offenders."	Amended by 40 Vic., Cap. 11, Sec. 3, 1877, P.E.I.
Cap. 26.....	An Act to incorporate the Acadia Provident Association.	No limit to the range of business.	Amended by 40 Vic., Cap. 11, Sec. 4, 1877, P.E.I.
Cap. 27.....	An Act for the incorporation of the Victoria Boring and Mining Company.	do do do	Amended by 40 Vic., Cap. 11, Sec. 5, 1877, P.E.I.
40 Vic., 1877 :— Cap. 14.....	An Act to amend an Act to incorporate the Town of Charlottetown.	Sec. 5 provides that the Clerk of the Stipendiary Magistrate shall pay over all fines, &c., to the City Treasurer.	37 Vic., Cap. 4, Sec. 8 (Canada), gives all fines under the Act respecting the prompt and summary administration of justice, and under the Act respecting the trial, &c., of juvenile offenders, to the Provincial Secretary and Treasurer, and 41 Vic., Cap. 21, P.E.I., orders them to be paid to the City Treasurer, but no restriction is made as to fines under other Acts of Canada.
Cap. 16.....	An Act to alter and amend the Act to incorporate the Minister and Trustees of St. James' Church, Charlottetown.	Secs. 5 and 8 appear to interfere with the subject of interest.	No action taken.
Cap. 20.....	The Registration of Electors and Ballot Act of Prince Edward Island, 1877.	Sec. 101 trenches upon the Criminal Law, so far as it relates to the counterfeiting or altering fraudulently any ballot paper, &c.	Repealed by 42 Vic., Cap. 2, 1879, P.E.I.
41 Vic., 1878 :— Cap. 12.....	The County Courts Amendment Act, 1878.	Sec. 61 allows the Judge of a County Court a fee of 50 cents for taxing the costs in a suit. It was considered inadvisable that a Provincial Legislature should interfere with the emoluments of a County Judge already fixed by the Parliament of Canada.	No action taken.
.....	An Act to incorporate the Provincial Grand Orange Lodge of Prince Edward Island and the subordinate Lodges in connection therewith.	This Bill was within the competence of the Legislature, and should not have been reserved. Following the precedent with reference to the Orange Bills of Ontario, no action was taken.	

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued

## PRINCE EDWARD ISLAND—Concluded.

Act.	Title.	Objection.	Provincial Action.
42 Vic., 1879.....	All the Acts of this Session went into operation, they being considered unobjectionable.		
43 Vic., 1880.....	do do		

## MANITOBA.

34 Vic., 1871 :— Cap. 9.....	An Act authorizing the appointment of Magistrates and Coroners.	Sec. 2 gives the Police Magistrate all the powers possessed by one, two or more Justices of the Peace.	Re-affirmed by Consolidated Statutes, Manitoba, Cap. 7, Sec. 17.
35 Vic., 1872 :— Cap. 3.....	An Act to amend an Act to establish a Supreme Court in the Province of Manitoba.	Sec. 5 provides that no Chief Justice or Puisne Judge shall be appointed unless such person is able to speak both English and French. This is <i>ultra vires</i> .	Repealed by Cap. 31, Consolidated Statutes, Manitoba.
Cap. 6.....	An Act for the Registration of Voters.	Secs. 21 and 22 provide that the Judge shall be liable to a fine for neglecting or refusing to perform any duty imposed upon him by this Act. Clause 99 of the B. N. A. Act, provides the manner in which Judges can be called to account.	Sec. 40, Cap. 3, Consolidated Statutes, Manitoba, repealing Sec. 22, seems wide enough to include the Judge as one of those liable to be fined.
36 Vic., 1873 :— Cap. 18.....	An Act to amend the Act concerning the Registration of Deeds and to introduce a better system of Registration.	Sec. 53 provides that persons committing certain offences shall be guilty of a misdemeanor.	Re-affirmed by Cap. 60, Consolidated Statutes, Manitoba, Sec. 50.
Cap. 21.....	An Act to make provision for enquiries concerning Public Matters.	Sec. 2, the remarks on Sec. 53, Cap. 18, apply also to this.	Repealed by Cap. 7, Consolidated Statutes, Manitoba, Sec. 85.
Cap. 24.....	An Act respecting Municipalities	Sec. 16, the remarks on Sec. 53, of Cap. 18, apply also to this.	Repealed by 43 Vic., Cap. 1, 1880, Manitoba.
37-38 Vic., 1873-4 :— Cap. 7.....	An Act to incorporate the City of Winnipeg.	Sec. 1. is so broad and unrestricted as to trench upon the subject of Banking. Sec. 13, constitutes a misdemeanor. Sec. 90, Sub-Sec. 10, provides for prohibiting the sale of spirituous liquors. The power to do so is questioned. Sec. 95, providing for inspection of Weights and Measures is <i>ultra vires</i> .	Amended by 38 Vic., Cap. 50, Sec. 1, 1875, Manitoba. Amended by 38 Vic., Cap. 50, Sec. 13, 1875, Manitoba. The provisions of this and Sec. 95, are re-enacted by Cap. 50, Secs. 92 and 95. See remarks on Sec. 90.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## MANITOBA—Continued.

Act.	Title.	Objection.	Provincial Action.
38 Vic., 1874:— Cap. 12.....	An Act respecting the Court of Queen's Bench in Manitoba.	This Act purports to confer on the Court all the powers, &c., possessed by the Superior Courts of Common Law, Chancery, Oyer and Terminer and General Gaol Delivery, and of Assize and <i>Nisi Prius</i> in England.  It is questioned whether the assumption of such powers to the Court of Queen's Bench of Manitoba may not entrench upon Criminal Procedure.	Reaffirmed by Cap. 31, Consolidated Statutes, Manitoba, Sec. 3.
Cap. 14.....	An Act respecting the Registration of Co-partnership.	This Act might restrict the rights of Companies incorporated under the "Joint Stock Companies Act" of Canada.	No action.
Cap. 15.....	An Act to require certain Foreign Corporations, Associations and Co-partnerships to register within the Province.	This might conflict with 31 Vic., Cap. 48 (Canada), under which Foreign Insurance Companies have been licensed to do business in any part of Canada.	Reaffirmed by Cap. 30, Consolidated Statutes, Manitoba, Sec. 2.
Cap. 19.....	An Act to amend the Act of 1873 to regulate the Sale and Traffic of intoxicating liquors.	Sec. 1, provides that no person shall be granted a license to sell intoxicating liquors by retail in Manitoba outside the limits of Winnipeg.  It is presumed this Section shall not Act in restriction of the Parliament of Canada in this respect.	Repealed by 41 Vic., Cap. 14, Manitoba.
38 Vic., 1875:— Cap. 2.....	An Act respecting the Election of Members of the Legislative Assembly of the Province of Manitoba.	Secs. 12 and 13, use the phrase "Parliamentary" already objected to.  Sec. 32, doubt expressed whether falsification of lists is not a crime within the meaning of the Law of Canada and therefore <i>ultra vires</i> .  Secs. 33 and 34, use the phrase "Parliamentary Electors."  Sec. 166, provides a penalty for the offence of forgery and is clearly <i>ultra vires</i> .  Sec. 166, Sub.-Sec. 3, may trench upon the Act of Canada relating to malicious injury to property.  Secs. 185 and 205, may also interfere with Criminal Law.  Sec. 206, provides punishment for subornation of perjury.  Sec. 235, in some of its provisions seems to trench upon the Criminal Law.	Amended by Cap. 3, Consolidated Statutes, Manitoba, Secs. 34 and 35.  Reaffirmed by Consolidated Statutes, Cap. 3, Sec. 56.  Repealed as to phrase "Parliamentary."  Sec. 166, appears to have been omitted in the Consolidated Statutes, Cap. 3.  Reaffirmed by Consolidated Statutes, Cap. 3.  do  do

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## MANITOBA—Continued.

Act.	Title.	Objection.	Provincial Action.
38 Vic., 1875:— Cap. 21.....	An Act respecting Building Societies.	Secs. 2 and 11 appear to affect the question of interest.  Sec. 16 appears to affect the question of insolvency.  Sec. 17 trenches on Criminal Law. Sec. 18 do do	Secs. 2 and 11 re-affirmed by Cap. 9, Consolidated Statutes Manitoba, Secs. 347 and 357. Sec. 16 reaffirmed by Consolidated Statutes, Manitoba, Sec. 362. Sec. 17 reaffirmed, Sec. 363. Sec. 18 repealed.
Cap. 22.....	An Act to make provision as to the Custody of Insane Persons.	Sec. 28 appears wide enough to empower the Lieut.-Governor to authorize the removal from the Province of a criminal confined in gaol, or sent after conviction to an asylum for the insane, and so is objectionable as trenching on Criminal Law.	Reaffirmed by Cap. 58, Sec. 28, Consolidated Statutes, Manitoba.
Cap. 27.....	An Act further to amend the Act to establish a system of Education in this Province.	Sec. 11 provides a penalty for signing a false report.	Repealed by 42 Vic., Cap. 2, 1879.
Cap. 35.....	An Act to amend the Registry Act.	This Act amends 36 Vic., Cap. 18, and recites that Sec. 43 of that Act does not express the true meaning of the Legislature. Sec. 1 (the amending clause) appears to be a direct interference with the devolution of the title of Lands before the Patents are issued. This would be within their power did the lands belong to the Province, but Manitoba Lands are property of Canada until patented, and any provision as to assignments, &c., of unpatented lands, should be made by Canada.	Sec. 1 reaffirmed by Cap. 60, Sec. 40, Consolidated Statutes, Manitoba.
Cap. 41.....	An Act respecting County Municipalities.	Sec. 11. Some provisions of this Section may be <i>ultra vires</i> , but similar legislation in another Province has been left to its operation. Sec. 24, SS. 1, provides punishment for a false declaration. Sec. 179, SS. 12, is open to the same objection as Sub-sec. 12 of Sec. 39, Cap. 31.	This Act was repealed by 43 Vic., Cap. 1, 1880 (Manitoba).
Cap. 31.....	An Act respecting Municipalities.	Sec. 39, SS. 12, appears to admit the transfer upon a tax sale to the purchaser of the right of the holder or other person in lands sold for taxes before the issuing of Letters Patent from the Crown.	Apparently no action taken.

STATEMENT of Provincial Acts objected to, the Nature of the Objection, &c.—Continued.

MANITOBA—Continued.

Act.	Title.	Objection.	Provincial Action.
38 Vic., 1875:— Cap. 50.....	An Act relative to the City of Winnipeg.	Sec. 13. The general observations made upon Cap. 2 are applicable to this.	Apparently no action taken.
Cap. 5.....	An Act respecting the Administration of Justice.	Secs. 58 to 61 trench upon Insolvency. Sec. 60 also deals with Criminal Law.	These Sections appear to be reaffirmed by Cap. 37, Secs. 5, 95, 96 and 97, Consolidated Statutes, Manitoba.
Cap. 9.....	An Act respecting the qualifications of Justices of the Peace. N.B.—Chapters 20, 30 and 46, of this Session, do not appear to have been reported upon.	Sec. 16 provides a penalty for what is in effect perjury.	Reaffirmed by Cap. 7, Sec. 32, Consolidated Statutes, Manitoba.
39 Vic., 1876:— Cap. 3.....	An Act respecting Jurors and Juries.	The provisions with respect to the selection of French and English speaking jurors would seem to require confirmatory legislation by Canada.	
Cap. 5.....	An Act to provide for the appointment of a Fire Commissioner for the Cities and Towns in Manitoba, and to define his powers and duties.	Sec. 9 appears to trench upon Criminal Procedure.	Re-affirmed by Cap 7, Con. Stats., Man., Sec. 94.
Cap. 7.....	An Act to make better provision for the securing of order at Municipal Elections, and for other purposes.	Secs. 1, 2, 4 and 5 appear to trench upon Criminal Law and Procedure.	Repealed by Cap. 64, Con. Stats., Man.
Cap. 8.....	An Act to provide for the incorporation of Mutual Fire Insurance Companies in the Province of Manitoba.	The business to be done is not expressly limited to the Province. Sec. 70 requires Companies affected by it to make full returns of their business, &c. Sec. 71 applies the previous Section to all Fire Companies by whatever authority incorporated. Sec. 72 provides for winding up, and thus deals with Insolvency.	Re-affirmed by Cap 9, Con. Stats., Man., Sec. 58. do Sec. 59. do Sec. 60.
Cap. 9.....	An Act respecting the Public Works of Manitoba.	Sec. 31 gives power to remove obstructions, &c. This should be limited, so as not to trench upon the authority of Canada.	Re-affirmed by Cap. 11, Con. Stats., Man., Sec. 31.
Cap. 12.....	An Act respecting the Legislative Assembly.	Upon 39 Vic., Cap. 9, Ont., it was observed that some of its provisions were <i>ultra vires</i> , but as a similar Act of Quebec had been allowed to go into operation, the same course was adopted with reference to the Act of Ontario, and the remarks upon that Act are applicable to the present one.	This Act is now Cap. 5 of the Con. Stats., Man.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## MANITOBA—Concluded.

Act.	Title.	Objection.	Provincial Action.
40 Vic., 1877:— Cap. 6.....	An Act respecting County Municipalities.	Sec. 15 deals with the Criminal Law relating to perjury. Sec. 16, SS. 27, imposes penalties for short weight or count or short measurement in anything marketed.	This Act repealed by 43 Vic., Cap. 1, Man.
Cap. 12.....	An Act to amend the Act to establish a system of education in this Province.	Sec. 17 provides punishment for making false declarations. This seems an interference with the Criminal Law respecting perjury.	This Act repealed by 42 Vic., Cap. 2, Man.
Cap. 15.....	An Act to authorise Corporations and other Institutions incorporated out of the Province of Manitoba to lend and invest moneys therein.	Similar legislation in Ontario has been left to its operation, but the right to license a Company already empowered by Canada to do business in any Province is questioned.	Amended by 43 Vic., Cap. 19, 1880, Man.
Cap. 17.....	An Act to legalize the Lists of the Parliamentary Elections of 1877 for the City of Winnipeg.	The word "Parliamentary," before objected to, occurs in the title and first section.	Amended by Cap. 3, Con. Stats., Man.
Cap. 30.....	An Act respecting Companies for the establishment of Cemeteries in Manitoba.	Sec. 28 provides punishment for destroying, defacing, &c., any tomb, monument, &c., and would seem to entrench upon the Criminal Law relating to malicious injuries to property.	Re-affirmed by Cap 9, Sec. 92, Con. Stats., Man.
Cap. 34.....	An Act to amend the Acts relating to the Sale and Traffic of Intoxicating Liquors and the Granting of Licenses in this Province.	Sec. 3 seems somewhat to entrench upon the Criminal Law relating to forgery.	Act repealed by 41 Vic., Cap. 14, 1878, Man.
Cap. 43.....	An Act to amend the amended Act respecting the Incorporation of the City of Winnipeg.	Sec. 6 deals with the subject of interest. Sec. 13 disposes of all fines and penalties.	No action taken.
41 Vic., 1878:—	All Acts left to their operation.		
42-43 Vic., 1879:— Cap. 12.....	An Act respecting Grand and Petit Jurors and Juries, and to amend the Manitoba Jurors' Act.	A similar Act of Ontario was left to its operation, and this, like the Ontario Act, is not to come into operation until proclaimed by the Lieut.-Governor, and not to be proclaimed at all if the Supreme Court decides against the power of a Local Legislature to regulate the number of Grand Jurors.	

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## BRITISH COLUMBIA.

Act.	Title.	Objection.	Provincial Action.
35 Vic., 1872 :— No. 4.....	An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to Persons employed in the publication of Sess. Papers.	This Act appears to be a transcript of the Act of Ontario, 32 Vic., Cap. 3, 1868, which was disallowed as <i>ultra vires</i>	Repealed by Act of B.C., 36 Vic., 1873, Cap. 35.
No. 12.....	An Act to make provision for inquiries respecting Public Matters.	Sec. 2 declares any wilfully false statement, &c., to be a misdemeanor. This properly belongs to Criminal Law.	Repealed by Cap. 89, Consolidated Statutes, B.C.
No. 31.....	An Act to amend the Land Ordinance, 1870.	Sec. 4 is objectionable for the same reason as stated respecting Act No. 12.	Repealed by No. 5 of 1875.
No. 35....	An Act respecting Municipalities.	Sec. 18 do do	Consolidated with No. 136, Revised Statutes, No. 5 of 1873, No. 15 of 1874, No. 1 of 1876, and Nos. 4, 5, 6, 8 and 9 of 1877.
No. 26.....	An Act respecting the Registration of Births, Deaths and Marriages, in the Province of British Columbia.	It may be questioned whether this is not dealing with Statistics.	
No. 36.....	An Act to make provision for the Registration in British Columbia of certain Foreign Companies.	The opinion expressed that no foreign company having other than "Provincial objects" could legally be registered under this Act.	
37 Vic., 1874 :— No. 4.....	An Act to extend the provisions of the Coroner's Jury Act, 1866, to the mainland of British Columbia.	This Act gives the Coroner power to empanel a Jury of not less than six for the purpose of any inquisition. It is questionable whether this is not a branch of criminal procedure.	NOTE.—The Consolidated Statutes, B.C., erroneously give this as a Disallowed Act.
No. 12.....	An Act to make better provision for the Qualification and Registration of Voters.	Sec. 15 speaks of the conviction of an "offence."	Repealed by No. 1 of 1875.
No. 5.....	An Act to amend and consolidate the Laws affecting Crown Lands in British Columbia.	A similar Act of 1874 was disallowed, and the present Act has not remedied the objections to the former one respecting the Indians.	(Upon the assurance of the Lieut.-Governor that the settlement of the Indian Land question by Commissioners removed the objection taker, this Act was left to its operation.
No. 18.....	An Act to make Powers of Attorney valid in certain cases.	Sec. 7 appears to trench upon the Criminal Law.	Amended by Cap. 9, Consolidated Statutes, B.C., but retains provision for punishing certain Acts without calling them offences or misdemeanors.
39 Vic., 1876 :— Cap. 1.....	An Act to amend the Municipality Act, 1872, and amendments thereto.	This Act contains several provisions with reference to licenses with respect to which the power of Local Legislatures is in controversy.	Now Cap. 129 Consolidated Statutes, B.C.

## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## BRITISH COLUMBIA—Continued.

Act.	Title.	Objection.	Provincial Action.
39 Vic., 1876 :— Cap. 2.....	An Act to amend and consolidate the Public Acts.	Sec. 43 speaks of " offences."	Cap. 142, Consolidated Statutes, B.C., retains this word, Sec. 42.
Cap. 3.....	An Act to provide for the maintenance of the Waggon Road from Yale to Cariboo.	Pointed out that the principle of this Act might be so extended as to raise the question whether such legislation does not trench upon the regulation of Trade and Commerce.	No action.
Cap. 5.....	An Act to make better provision for the qualification of Voters.	Sec. 13 seems to trench upon Criminal Law.	Act repealed by Cap. 66, Consolidated Statutes, B.C., but Sec. 15 appears to re-affirm Sec. 13 of this Act.
Cap. 8.....	An Act to assess levy and collect taxes on property in British Columbia.	Sec. 10—The exemption from the fixed tax of five cents on unoccupied land is not as extensive as the exemption from the tax on the assessed value and might be argued to include lands " held as Dominion Railway Lands or to be conveyed to the Dominion Government under the 11th Section of the terms of Union," which are exempted from the operation of the 8th Section. Sec. 38 appears to trench upon Criminal Law. Sec. 13, Schedule B., deals with the subject of Census and Statistics, but similar legislation in other Provinces has been left to its operation.	Amended by No. 10 of 1877, Cap. 152 Consolidated Statutes, B.C.
Cap. 11.....	An Act to amend the Licences Ordinance, 1867.	This Act attempts to regulate Trade and Commerce, and is opposed to the spirit of the Union Act, and in violation of sound principles of taxation and of mischievous tendency.	Repealed by No. 16 of 1877.
Cap. 12.....	An Act to further amend the Licences Ordinance, 1867.	The remarks made upon Cap. 11 apply also to this.	Repealed by No. 16 of 1877.
Cap. 24.....	An Act to amend the Power of Attorney Act, 1875.	This Act does not properly amend the Criminal provisions of the Act of 1875; objected to.	Consolidated with No. 18 of 1875, now Cap. 9, Consolidated Statutes, B.C.
40 Vic., 1877 :— Cap. 5.....	An Act respecting the qualification for the offices of Mayor and Councillors in certain municipalities.	Secs. 4 and 6 provide punishment for making false declaration.	Re-affirmed by Secs. 19 and 21, Cap. 129, Consolidated Statutes, B.C.



## STATEMENT of Provincial Acts objected to, the Nature of the Objection, &amp;c.—Continued.

## BRITISH COLUMBIA—Continued.

Act.	Title.	Objection.	Provincial Action.
40 Vic., 1877:— Cap. 9.....	An Act to authorize certain municipalities to retain and use the Court fines, fees and forfeitures as part of the Civic Revenue.	This is wide enough to include fines, &c., for breaches of the Criminal Law of Canada.	Sec. 56, Cap. 129, Consolidated Statutes, B.C., appears to confine this provision to fines under a municipal By-Law.
Cap. 10.....	An Act to amend the Assessment Act, 1876.	The power to tax the salaries of persons in the service of the Dominion was under consideration of the Court of Appeal of Ontario <i>in re Leprohon vs. City of Ottawa</i> , when this Act was left to its operation.	(Note.—The Court of Appeal of Ontario decided against the City of Ottawa.)
Cap. 11.....	An Act to prevent the destruction of pasturage on the Islands, in the Gulf of Georgia.	Secs. 8 and 9 use the term "offence."	Local Government requested not to use this term in future.
Cap. 13.....	An Act to encourage the Mining of Gold Bearing Quartz.	Sec. 4, providing that the loan or payment of \$15,000 by the Province to the Company erecting the first Quartz Mill, at a specified place, shall constitute a first mortgage on all the property of the Company, might interfere with the vested rights of private individuals.	Reaffirmed by Cap. 124, Sec. 4, Consolidated Statutes, B.C.
Cap. 14.....	An Act relating to Minerals other than Coal.	Sec. 11, upon this Section the danger is pointed out of allowing legislation which increases from time to time the jurisdiction of the Mining Court, the Judge of which has not been appointed by the Governor General. Sec. 14, applies the Act to unoccupied and unreserved Crown Lands. The two years limit of the terms of Union having expired, this is within their competence, but the inconvenience which might arise from selling lands contiguous to any possible line for the Pacific Railway is pointed out.	Now Cap. 126, of the Consolidated Statutes, B.C., but not amended.
Cap. 15.....	An Act to make regulations with respect to Coal Mines.	The word "offence" already objected to occurs fifty-two times in this Act. Sec. 14, deals with Weights and Measures. Sec. 32, deals with Criminal Law. Sec. 46, Sub.-Sec. 28, deals with Malicious Injury to Property.	Cap. 122, Consolidated Statutes, B.C., again uses the word "offence."  Not amended. do do

STATEMENT of Provincial Acts objected to, the Nature of the Objection, &c.—*Concluded.*BRITISH COLUMBIA—*Concluded.*

Act.	Title.	Objection.	Provincial Action.
40 Vic., 1877 :— Cap. 18.....	An Act to amend the Election Regulation Act, 1871.	Sec. 8, uses the word "offence."	Not amended.
Cap. 19.....	An Act to amend the Law relating to procedure at Elections of Members of the Legislative Assembly of British Columbia.	Sec. 11, Sub.-Sec. 1, so far as relates to forging or counterfeiting trenches upon the Criminal Law.	do
Cap. 30.....	An Act to prohibit the sale or gift of Intoxicating Liquors to Minors, and to prevent the frequenting of Liquor Saloons by such persons.	Sec. 23, deals with Criminal Law. Sec. 3, uses the word "offence."	do do
41 Vic., 1878 :—	The 18 Acts of this Session were left to their operation.		
42 Vic., 1878 :— Cap. 36.....	An Act to amend the Assessment Act, 1876.	According to the decision in <i>re Ross vs. Torrance</i> , the attempt to add 25 per cent. and 18 per cent. interest thereon to unpaid taxes, is void. The other provisions of the Act, though stringent, are within the powers of the Legislature and were presumed to have been found necessary.	
42 Vic., 1879 :— Cap. 30.....	The Public School Act, 1879.	Sec. 25, declares a false declaration of a right to vote a "misdemeanor."	No action taken.
43 Vic., 1880 :— Cap. 4.....	An Act to abolish priority of, and amongst Execution Creditors.	Reference is made to the Act of Ontario. Cap. 10, 1880, of a similar nature which was thought to trench upon the subject of Insolvency, but was left to its operation.	

LIST of Provincial Acts disallowed (excepting the "Rivers and Streams" Act of Ontario and the "Winnipeg and South Eastern Railway" Act of Manitoba, which are given separately) and the Reports and Orders in Council thereon.

## ONTARIO.

- 1.—32 Vic. 1869, Cap. 3.—An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers.
- 2.—Cap. 1.—The Supply Bill of 1869.
- 3.—27 Vic. 1874, Cap. 8.—An Act to amend the law respecting Escheats and Forfeitures.
- 4.—42 Vic. 1879, Cap. 19.—An Act respecting the administration of justice in the northerly and westerly parts of Ontario.

## QUEBEC.

- 5.—32 Vic. 1869, Cap. 4.—An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary Papers.
- 6.—38 Vic. 1874-5, Cap. 47.—An Act to incorporate the St. Lawrence Bridge Company.

## NOVA SCOTIA.

- 7.—31 Vic. 1868, Cap. 21.—An Act to empower the Police Court in the City of Halifax, to sentence Juvenile Offenders to the Halifax Industrial School.
- 8.—34 Vic. 1871, Cap. 32.—An Act to regulate Pilotage in the Bras d'Or Lake, in the Island of Cape Breton.
- 9.—37 Vic. 1874, Cap. 74.—An Act to incorporate the Halifax Company, Limited.
- 10.—Cap. 82.—An Act to incorporate the Eastern Steamship Company.
- 11.—Cap. 83.—An Act to incorporate the Anglo-French Steamship Co.

## MANITOBA.

- 12.—36 Vic. 1873, Cap. 2.—An Act to define the privileges, immunities and powers of the Legislative Council and of the Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional Papers.
- 13.—Cap. 32.—An Act to incorporate the Winnipeg Board of Trade.
- 14.—38 Vic. 1875, Cap. 12.—An Act to regulate proceedings against and by the Crown.
- 15.—Cap. 18.—An Act respecting Escheats, Fines, Penalties, and Forfeitures.
- 16.—38 Vic. 1875, Cap. 33.—An Act to afford facilities for the construction of a bridge over the Assiniboine River between the City of Winnipeg and St. Boniface West.
- 17.—Cap. 37.—An Act to amend Cap. 46, 37 Vic., intituled: "The Half Breed Land Grant Protection Act."

## BRITISH COLUMBIA.

- 18.—36 Vic. 1873, Cap. 2.—An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions.
- 19.—37 Vic. 1874, No. 2.—An Act to amend and consolidate the laws affecting Crown Lands in British Columbia.
- 20.—No. 9.—An Act to make provision for the better administration of justice.
- 21.—38 Vic. 1875, No. 6.—An Act to make provision for the better administration of justice.
- 22.—40 Vic. 1877, Cap. 32.—An Act to incorporate the Alexandra Company, Limited.
- 23.—Cap. 33.—An Act to incorporate the British Columbia Insurance Company, Limited.
- 24.—Cap. 22.—An Act to provide for the better administration of justice.
- 25.—42 Vic. 1878, Cap. 25.—An Act relating to the Crown Lands in British Columbia.
- 26.—Cap. 35.—An Act to provide for the better collection of Provincial taxes from Chinese.
- 27.—Cap. 37.—An Act to amend the Cariboo Waggon Road Tolls Act, 1876.
- 28.—43 Vic. 1880, Cap. 28.—An Act to amend the Cariboo Waggon Road Tolls Act, 1876.
- 29.—Cap. 29.—An Act respecting Tolls on the Cariboo Waggon Road.

DEPARTMENT OF JUSTICE, OTTAWA, 24th November, 1869.

With reference to the reports of the undersigned of the 14th July and 22nd October last, relating, among other things, to the Act passed by the Legislature of the Province of Ontario at its last Session, being 32nd Victoria, cap. 3, intituled: "An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers.

And with reference also to the correspondence with the Government of Ontario on the subject, the undersigned has now the honor to report that, in his opinion, it was not competent for the Legislature of the Province of Ontario to pass such Act, and he, therefore, recommends that the same should not receive the confirmation of Your Excellency.

All of which, &c.,

JOHN A. MACDONALD.

For Proclamation of disallowance of this Act see *Canada Gazette* of the 4th December, 1869.

DEPARTMENT OF JUSTICE, OTTAWA, January 19th, 1870.

With reference to the Act passed by the Legislature of the Province of Ontario, at its Second Session, 32nd Victoria, cap. 1, intituled: "An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year 1869, for making good certain sums expended for the public service in 1868, and for other purposes," the undersigned has the honor to report as follows:

That on the 14th July last, he reported that, in his opinion, "the 6th section of the said Act is objectionable." Such 6th section is as follows:—

"And, whereas, under the altered circumstances of the country, and the increased expense of living, it has been found that the Judges of the Superior Courts are inadequately paid; be it therefore enacted that there shall be paid for the year one thousand eight hundred and sixty-nine and for every year thoreafter, out of the Consolidated Revenue Fund of this Province, namely, to the President or Chief Justice of the Court of Error and Appeal, and to each of the Judges of the Superior Courts of Law and Equity, in this Province, the sum of one thousand dollars."

He further reported that "As by the 96th and 100th sections of the Union Act it is provided that the Governor General shall appoint the Judges of the Superior Courts, and the Parliament of Canada shall fix and provide their salaries, allowances, and pensions; it would seem that the Judges of those Courts cannot properly, and without a breach of its provisions, receive emolument of any kind from any but the power which appoints and pays them the legal salary attached to their judicial positions."

With that report was also submitted the opinion of the Attorney and Solicitor General of England, that it was not competent for the Legislature of Ontario to pass this section.

Thereupon, by a despatch from the Secretary of State for the Provinces to the Lieutenant-Governor of Ontario, bearing date the — of October, 1869, he was informed that no other course was left to Your Excellency, on the opinion of the Law Officers of the Crown, in England, than to disallow this measure, unless it was repealed by the Legislature of Ontario at its approaching Session.

It was at the same time stated that should the Legislature of Ontario, after repealing the Act, pass another measure on the same subject, Your Excellency would cause it to be taken into immediate consideration, with an anxious desire to meet the views of the Legislature, but that it would, of course, be necessary that the Act, if

repealed, should be repealed unconditionally, and any substituted legislation embodied in a separate Bill.

The Legislature of Ontario at its last Session passed a Bill, intituled: "An Act to remunerate certain members of the Court of Error and Appeal," by the 1st section of which, the 6th section of the Act first above mentioned is repealed, but in the same Act there is contained a provision that the sum of one thousand dollars per annum shall be paid to the Chief Justice of Appeal and other members of the Court of Error and Appeal being also Commissioners under the Heir, Devisee and Assignee Commission.

As the salary thus provided for the Chief Justice and Judges of the Court of Appeal is payable to the same persons as those mentioned in the 6th section of the previous Act, it will be necessary for Your Excellency under your instructions to submit the measure for the sanction of Her Majesty.

Her Majesty may not be advised to give her sanction, and in such case on the disallowance of the Act, section 6th of the previous Act would revive.

Before Her Majesty's pleasure can be received, the year will have expired within which it is competent for Your Excellency to disallow the Act first above mentioned, the last day for disallowance being the of January instant, and it would then remain upon the Statute Book, although declared to be unconstitutional and beyond the jurisdiction of the Local Legislature. No other course is, therefore, left to Your Excellency than to disallow the Act in question without delay.

The Act so to be disallowed is the Supply Bill for the year 1869, but as all payments made under it during its continuance are legal, and as it provides that any appropriation made under it which shall be unexpended on the 31st day of December, 1869, shall become void and of no effect, no inconvenience will be suffered by the Government of Ontario by the disallowance.

All which is respectfully submitted,

JOHN A. MACDONALD, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Thursday, 20th day of January, 1870.

*Present*

His Excellency the Governor General,

Sir John A. Macdonald  
Sir George Et. Cartier,  
Mr. Tilley,  
Mr. Howe,

Mr. Aikins,  
Mr. Campbell,  
Sir Francis Hincks,  
Mr. Morris.

*In Council:*

Whereas the Lieutenant-Governor of the Province of Ontario, with the Legislative Assembly of that Province, did on the twenty-third day of January, A. D., 1869, pass an Act which has been transmitted, intituled as follows: "An Act for granting to Her Majesty certain sums of money required for defraying the expenses of the Civil Government for the year 1869, for making good certain sums expended for the public service in 1868 and for other purposes."

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice setting forth that he is of opinion that the change of the law proposed in the sixth section of the said Act cannot be legally effected by an Act of the Provincial Legislature, and therefore recommending that the said Act should not receive the confirmation of the Governor General:

His Excellency the Governor General has, therefore, this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of Ontario, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. H. LEE, C.P.C.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 1st April, 1875.

The Committee have had under consideration the Report hereunto annexed from the Hon. the Minister of Justice, having reference to an Act passed by the Legislature of the Province of Ontario on the 24th March, 1874, intituled: "An Act respecting Escheats and Forfeitures," and for the reasons therein given they advise that the said Act be disallowed, and that a copy of the said report be transmitted by the Secretary of State for the information of the Government of Ontario.

Certified.

W. A. HIMSWORTH, C.P.C.

DEPARTMENT OF JUSTICE, OTTAWA, 26th March, 1875.

The undersigned has had under consideration the Report of the Executive Council of the Province of Ontario, upon the Report of the Attorney-General of that Province, on the Act passed on the 24th March, 1874, respecting Escheats and Forfeitures.

The Report of the Attorney-General differs with the view expressed in the Order of the Privy Council of the 27th November, 1874, and affirms:—

1. That the Act in question is not *ultra vires*, but is entirely within the authority of the Legislature to pass; and,
2. That if this is not clear the proper course will appear to be confirmatory legislation on the part of the Dominion Parliament, and not the disallowance of the Act, or its enforced repeal.

The undersigned quite concurs with the Attorney-General that the matter is important not as affecting the Exchequer, but as to the principle; and that property escheated or forfeited, whether for crime or for want of heirs, has amounted to but little, and that the Crown has, in Canada, never sought to retain the same for its own benefit or that of the public; but has given it to the parties, who, but for the escheat, would have been entitled thereto.

The course of British usage in this particular, and set forth by the Attorney General in the third page of the Order of the Executive Council, is that which has been strictly followed in Canada.

On all these preliminary subjects, the undersigned is quite in accord with the views expressed by the Executive Council.

With reference, however, to the paragraphs which refer to the right of property and the jurisdiction to legislate respecting it, the undersigned has the honor to remark as follows:

As to the first paragraph; this suggests:

1. That all property which was in the Queen's name prior to Confederation, belongs to the Provinces; and,
2. That all rights of the Provinces as they existed before Confederation, have by the Confederation Act been divided between the Dominion and the Provinces; and that whatever has not been given to the former is retained by the latter.

As to the first point, that is settled by the 108th and 117th Sections, but is apparently thereby confined to property in the Queen's name at the date of the Union.

As to the second point, it is submitted that the view represented is hardly correct; but that, on the contrary, whatever right has not been given to the Provinces is vested in the Dominion. This is peculiarly observable in the 91st and 92nd Sections as to legislation. The former confers powers on the Queen by and with the advice and consent of the House of Commons, in relation to all matters not coming within the classes of subjects by that Act assigned exclusively to the Legislatures of the Provinces; and,

2. It gives exclusive Legislative authority in certain matters by classes; and

3. Provides, in conclusion, that any matter coming within any of the classes of those subjects shall not be deemed to come within the class of matters of a local or private nature assigned exclusively to Provincial Legislatures.

On the other hand, the Legislature, which is defined to consist, as regards Ontario, of the Lieutenant-Governor and of one House, styled "The Legislative Assembly of Ontario," has exclusive legislative competency in relation to matters of which the classes are specially defined.

Therefore, as the undersigned believes, escheats to be a matter of prerogative, and not a question of "property and civil rights," there seems no reason to depart from the view expressed in the Order of the Privy Council, that no prerogative rights of the Crown are vested in the Lieutenant-Governor of a Province, unless under the Confederation Act, and that unless that Act can be found strictly to confer upon the Lieutenant-Governor, or the Legislature of a Province, an express right to deal with any matter of prerogative, such power is not vested in either the one or the other authority.

It may not be out of place here on this point, to quote from the despatch of Her Majesty's Secretary of State for the Colonies, of the 7th January, 1875, to the Governor General, in reference to the sentence passed in Manitoba upon one Lepine. It is as follows :

"The Lieutenant-Governors of the Provinces of the Dominion, however important locally their functions may be, are a part of the Colonial administration staff, and are more immediately responsible to the Governor General in Council. They do not hold commissions from the Crown, and neither in power nor privilege resemble those Governors of Colonies to whom, after special consideration of their personal fitness, the Queen, under the Great Seal, and Her own hand and Signet, delegates portions of Her prerogatives, and issues Her own instructions."

It is to be remembered, also, how great a difference exists in reference, not only to the legislative powers of a Parliament or Legislature, but the very distinct difference as to the component parts of each of those bodies.

The Parliament of Canada is defined to consist of the Queen, the Senate and the House of Commons, and the mode of legislation by the Parliament is defined to be that of the Queen by and with the advice and consent of the Senate and House of Commons.

On the other hand, the Legislature of each Province has a different definition. Taking that of Ontario, for instance, it is found to consist of the Lieutenant Governor and of one House styled "The Legislative Assembly of Ontario."

It is true that the Legislatures of the different Provinces in enacting laws have used the terms "Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province" (or, in respect of Ontario, of the Legislative Assembly of Ontario alone), and it may have been thought expedient to adopt that formula; yet, little doubt can be entertained that the same is incorrect; that the enacting party should be, under Section 92, "The Legislature" of the Province, and that a Lieutenant-Governor has no power to assent to any laws of a Legislature in the Queen's name, inasmuch as the Queen herself has not that power, and cannot, therefore, depute it.

The only instance in which, to the knowledge of the undersigned, there is an express delegation to a Lieutenant-Governor of privileges of the Crown, is in the commission to the Governor General, the 6th section of which is thus worded: "And we do further authorize and empower you to exercise, from time to time, as you may judge necessary, all powers lawfully belonging to us, in respect of assembling or proroguing the Senate or the House of Commons of our said Dominion, and of dissolving the said House of Commons, and we do hereby give the like authority to the several Lieutenant Governors for the time being, of the Provinces of our said Dominion, with respect to the Legislative Councils, or the Legislative or General Assemblies of those Provinces respectively."

In practice, the Lieutenant Governor of Ontario appears to have exercised this right, in so far as assembling or dissolving the Legislative Assembly; but in respect

to the proroguing, the Journals of that Legislature shew that it is done in the name of the Lieutenant Governor.

These allusions are made as supporting the view already expressed, that the Parliament of Canada, to which the Queen is an actual party by name, and the actual enacting power by and with the advice and consent of the two Houses of Parliament, is the only legislative power which can operate in matters not left to the Provincial Legislatures; and that the Queen, not being in any way an enacting party or power of such a Legislature, Her Majesty's name is improperly used in Provincial Legislation, and even if so used, such user cannot justify any abandonment of prerogative or privilege which is not vested in the Provincial Legislature by the 92nd section.

As to the *second* paragraph, the undersigned repeats that Sections 109 and 117 allude merely to lands and public property belonging to the Provinces at the time of the Union, and that if property escheated, whether for want of heirs or for crime, subsequently to the date of Confederation, it cannot be included as lands or property belonging to the Provinces at the time of the Union.

As to lands sold by the Crown, prior to Confederation, but not patented, the fee, so to speak, still remains in the Crown for the Provinces; but under the 109th section the Provinces took such lands, subject to the trust of carrying out the sale whenever the purchaser complied with the terms thereof—similarly as to lands which had once been granted, but which had subsequently been surrendered for Provincial use; and, also, to lands in respect to which Her Majesty had, on the 1st July, 1867, no sort of right or interest but in trust for the Provinces.

As to the *third* paragraph,—It does not seem to controvert the point that escheat is not within the jurisdiction of a Local Legislature; and as to the *fourth* paragraph it can hardly be contended that escheat is a matter of a merely private and local, nature.

The *fifth* paragraph remarks that public convenience is obviously in favour of such property being dealt with by the Province where the question arises.

This is a question of expediency, and it is very possible that the arguments urged in the Order of the Executive Council are entitled to weight. It cannot, however, affect in any way the question of Legislative competency, which is the one question with which the undersigned proposes to deal.

Upon a reconsideration of the case, the undersigned is unable to arrive at any other conclusion than the following:—

*Firstly*,—That escheat is a matter of prerogative which is not by the British North American Act, 1867, vested in a Provincial Government or Legislature.

*Secondly*,—That it is not one of the subjects coming within the enumeration of subjects left exclusively to Provincial Legislatures.

*Thirdly*,—That a Provincial Legislature, by its very statutable composition, has no power to deal with prerogatives of the Crown.

*Fourthly*,—That the Lieutenant-Governor has not, under the Statute, or by his commission, any power to deal with prerogatives of the Crown; and not being empowered to assent in the Queen's name to any law of a Provincial Legislature, he cannot bind Her Majesty's prerogative rights.

*Fifthly*,—That the 109th and 117th sections of the British North American Act, 1867, refer only to lands and public property of the several Provinces at the date of the union, subject to the reservations in Section 108, and Schedule 3.

*Sixthly*,—That escheat cannot be dealt with under Section 92, Sub-Section 5, in respect to the management and sale of the public lands belonging to the Province; or Sub-Section 13, as to property and civil rights in the Province; or Sub-Section 16, as being a matter of a merely local or private nature in the Province.

*Seventhly*,—That forfeiture for want of heirs is virtually escheat, and that forfeiture for crime and corruption of blood is a matter of criminal procedure.

The Report further submits that if in view of the whole matter it is not considered proper at present to yield to the argument of strict constitutional or legal right in the Provinces, the Executive Council cannot doubt that it will be just to recom-



mend to the Dominion Parliament to pass an Act confirming what has been done in Ontario; and either expressly giving escheated and forfeited property to the Provinces or distinctly recognizing by a declaratory enactment their right to such property, or by a non-interference on the part of the Dominion authorities.

The undersigned is not prepared to say whether Parliament can confer on a Provincial Legislature the power to legislate in respect to a matter of Royal Prerogative; or to recognize the right of a Province to escheated property; nor does he feel justified in suggesting that the Act in question should be allowed to go into operation.

He, therefore, feels it incumbent to advise that the Act of the Legislature of the Province of Ontario, passed on the 24th day of March, 1874, entitled:

“An Act to amend the Law respecting Escheats and Forfeitures” be disallowed by Your Excellency in Council.

T. FOURNIER, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Thursday, 1st day of April, 1875.

*Present:*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Ontario, with the Legislative Assembly of the said Province did, on the 24th day of March, 1874, pass an Act which has been transmitted, entitled as follows, viz.: “An Act to amend the Law respecting Escheats and Forfeitures;”

And whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Ontario and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Ontario on the 24th day of March, 1874, entitled: “An Act to amend the Law respecting Escheats and Forfeitures,” was received by me on the 2nd day of April 1874.

Given under my hand and seal this 1st day of April, 1875.

[L.S.]

DUFFERIN.

DEPARTMENT OF JUSTICE, OTTAWA, 20th January, 1880.

I have the honor to report that an Act was passed by the Legislature of the Province of Ontario at its last Session, intituled:

Cap. 19.—“An Act respecting the administration of justice in the northerly and westerly parts of Ontario.”

This Act is apparently based upon the assumption that the conclusion come to by the Right Hon. Sir Edward Thornton, the Hon. Sir Francis Hincks, and the late Chief Justice Harrison, respecting the northerly and westerly boundaries of Ontario, settles such boundaries. I would call attention, however, to the fact that as the

Parliament of Canada have not yet legislated upon the subject the question of the boundaries still remains as a matter of law unsettled. If the Parliament of Canada thinks proper to pass the necessary Act declaring the boundaries to be those decided upon by the gentlemen referred to, the Act under consideration would not in this point of view be objectionable.

I append a memorandum (marked "A") prepared by the Deputy of the Minister of the Interior, respecting the provisional boundary agreed upon by the Governments of Canada and Ontario in the year 1874, together with a plan shewing the territory included in the descriptions in Sections 1, 2, 3 and 8 of the Act now under consideration.

I submit for the consideration of Council the question whether pending actions by the Parliament of Canada with respect to the boundaries of Ontario, this Act should be left to its operation. It was received by this Government on the 26th day of March, 1879, so that the year within which the power of disallowance must be exercised will expire on the 25th March, 1880. Assuming that it is concluded not to disallow the Act in connection with the boundary question, there are questions arising upon it which require serious consideration.

The 96th section of the B.N.A. Act, 1867, provides that the Governor-General shall appoint the Judges of the Superior District and County Courts in each Province, except those of the Court of Probate in Nova Scotia and New Brunswick; and by the 100th section the salaries allowance and pensions of the Judges of the Supreme Districts and County Courts, &c., are to be fixed and provided by the Parliament of Canada.

By the 92nd section the Provincial Legislatures are empowered to make laws for the constitution, maintenance and organization of Provincial Courts, both of Civil and Criminal jurisdiction, and including procedure in civil matters in those Courts.

Several of the Provinces of Canada have since Confederation provided for the appointment of Officers called Magistrates, Stipendiary Magistrates, Commissioners, &c., and have given to those officers certain judicial functions. Till lately their powers have been confined to matters in which small amounts only have been in dispute ranging from \$100 and less.

In 1877, the Legislature of British Columbia passed a Bill respecting the Gold Commissioner's Court in that Province. This Bill gave to the Gold Commissioner, who was a Local Officer appointed by the Lieutenant Governor very extended jurisdiction in civil matters. It was reserved for the signification of the pleasure of His Excellency the Governor General thereon. It was not assented to. I append an extract (marked "B") from the approved report to Council from this Department upon the Bill.

In 1877, an Act was passed by the Province of Ontario intituled:—"An Act respecting the Territorial and Temporary Judicial Districts of the Province and the Provincial County of Haliburton."

This Act gave to Stipendiary Magistrates referred to therein and to the Division Court of the District of Algoma certain extended jurisdiction.

The Act was left to its operation but not without the attention of Council being called to its provisions. I append an extract (marked "C") from the approved report of this Department to Council respecting the same. The Act now under consideration goes a step further, and practically provides for the whole administration of civil justice for some time to come, within the territory referred to in the Act by a Court, the Judge of which is appointed by the Lieutenant Governor and the salary and allowance of whom are fixed by the Provincial Legislature.

The 6th section gives to this Court in the District of Algoma the following jurisdiction:—

(1.) In all personal actions where the amount claimed does not exceed four hundred dollars.

(2.) In all actions and suits relating to debt, covenant and contract where the amount or balance claimed does not exceed eight hundred dollars. Provided always

as to the additional jurisdiction so hereby conferred that the contract was made within Algoma, or the cause of action arose therein, or the defendant resides therein.

(3.) For the recovery of the possession of real estate in the said district.

(4.) In replevin, where the value of the goods or other property or effects distrained, taken or detained does exceed the sum of four hundred dollars, and the goods, property or effects to be replevied are in the said district.

Previous to the Act its jurisdiction was confined to personal action, where the debt or damages claimed did not exceed \$100. (See Revised Statutes of Ontario Cap. 90, Sec. 16) except by consent of the parties when the Stipendiary Magistrate could on their written consent try cases to the extent of \$300.

Section 8 gives to the Stipendiary Magistrate holding Courts in certain remote districts therein mentioned the following jurisdiction:—

(1.) In all personal actions where the amount claimed does not exceed one hundred dollars (except as in the next section excepted.)

(2.) In all causes and suits relating to debt, contract and covenant, where the amount or balance claimed does not exceed two hundred dollars, or if the amount is ascertained by the signature of the defendant, to the sum of four hundred dollars.

Provided always that the contract or covenant was made within the said portion of the district of Thunder Bay or Nipissing in which the Court is held, or the cause of action arose therein, or the defendant resides therein.

(3.) In certain action for recovery of the possession of lands or other corporeal hereditaments situated in the said portion of the district aforesaid in which the Court is held, and the yearly value of which lands or hereditaments, or the rent payable in respect whereof does not exceed one hundred dollars, that is to say:

(a) Where the term and interest of the tenant of any such corporeal hereditament has expired or has been determined by the landlord or the tenant by a legal notice to quit;

(b) Where the rent of any such corporeal hereditament is sixty days in arrear, and the landlord has the right by law to re-enter for non-payment thereof;

And in respect to such actions the said Courts shall have and exercise the same powers as belong to and as may be exercised by the Superior Courts of Common Law in and in respect to actions of ejectment.

(4.) In replevin, where it is made to appear that the value of the goods or other property or effects distrained, taken or detained, does not exceed the sum of one hundred dollars, and the goods, property or effects to be replevied are in the said portion of the district in which the Court is held."

Section 10 provides for the appointment of an officer for the District of Algoma, to be called the Deputy-Clerk for Thunder Bay, and power is given to him to issue writs for the commencement in the district of Thunder Bay, of actions in the District Court:—

Provision is made for a Seal for the Court with which all the writs and process are to be sealed:—An appeal is given from the Stipendiary Magistrates' order or decision to the Judge at Sault Ste. Marie.

The 14th section is as follows:

"14. Where the amount claimed in any action in the said District Court, or where in the case of ejectment or replevin the subject-matter of the action as appearing in the writ in ejectment or in the affidavit filed to obtain the writ in replevin is beyond the jurisdiction of the County Courts in other parts of Ontario, costs to a successful defendant shall be taxed upon the Superior Court scale.

"(2) In like manner where the plaintiff recovers in respect to a cause of action beyond the jurisdiction of the said County Courts, costs shall be taxed to him on the Superior Court scale, subject, however, to his obtaining the certificate or order of the Judge where, under the Common Law Procedure Act, such certificate or order is required in the Superior Courts.

"(3) In respect to any action within the provisions of the first part of this section the attorney of a successful plaintiff shall be entitled to charge his client County Court costs only, unless he was instructed in writing by such client to sue in

respect to a matter beyond the jurisdiction of the said County Courts, in which case the said attorney shall be entitled to charge costs upon the Superior Court scale.

"(4) Either party may, as of right upon giving twenty days notice to the opposite party, have the taxation of costs by the Deputy Clerk revised by the Clerk at Sault Ste. Marie."

The 15th section provides for the appointment of a Sheriff of the District of Thunder Bay, and for the execution by him of writs and other process issuing out of the District Court.

The 16th section empowers the Stipendiary Magistrate, upon the trial of any cause where the amount claimed is over \$200, or where the matters in dispute relate to the title of real estate, to state a special case for the opinion of the Court of Appeal in Ontario.

The 18th and 19th sections are as follows:—

"18. Every judgment of the said Division Courts may be enforced by writs or other process framed in accordance with the requirements of the case, and similar in form to writs or other process for like purposes issued out of the Superior Courts.

"19. Every Stipendiary Magistrate of the District of Thunder Bay or Nipissing, may exercise the authority conferred upon County Court Judges by the Revised Statute respecting overholding tenants."

The Legislature unquestionably has authority to constitute a Court possessing the jurisdiction of the Courts referred to in this Act, but I submit to Council whether this Act which seems to encroach upon the powers of the Dominion Government with respect to the appointment of Judges and which goes far beyond any previous Act of a similar character, should be disallowed notwithstanding that the other Acts equally objectionable on principle but less objectionable in degree, have been left to their operation. In my opinion the Act should be disallowed unless the same be repealed within the time for disallowance.

JAS. McDONALD, Minister of Justice.

A.

DEPARTMENT OF THE INTERIOR, OTTAWA, 21st January, 1880.

*Memorandum.*

The undersigned has the honor to submit, for the information of the Honorable the Minister of Justice, that on the 8th July, 1874, an Order in Council was passed agreeing upon a conventional boundary between the Province of Ontario and the Dominion, in the following terms:—

1. That the conventional boundary of the Province of Ontario, for the purposes set forth in the said Order in Council of the 3rd of June instant, shall be on the west of the meridian line passing through the most easterly point of Hunter's Island, running south until it meets the boundary line between the United States and Canada, and north until it intercepts the fifty-first parallel of latitude, and the said fifty-first parallel of latitude shall be the conventional boundary of the Province of Ontario on the north.

2. That all patents for lands in the disputed territory, to the east and south of the said conventional boundaries until the true boundaries can be adjusted, shall be issued by the Government of Ontario; and all patents for lands on the west or north of these conventional boundaries, shall be issued by the Dominion Government.

3. That when the true west and north boundaries of Ontario shall have been definitely adjusted, each of the respective Governments shall confirm and ratify such patents as may have been issued by the other for lands then ascertained not to be within the territory of the Government which granted them, and each of the respective Governments shall also account for the proceeds of such lands as the true boundaries when determined may show to belong of right to the other.

4. That the Government of the Dominion shall transfer to the Government of the Province of Ontario, all applications for lands lying to the east and south of the conventional boundaries, and also all deposits paid on the same; and the Ontario Government shall transfer to the Dominion Government all applications for lands lying to the west and north of the said boundaries, and likewise all deposits paid thereon; and each of the said applications as are *bonâ fide* and in proper form shall be dealt with finally, according to the priority of the original filing; and where applications for the same lands have been filed in the Departments of both Governments, the priority shall be reckoned as if all had been filed in one and the same office."

The undersigned has further the honor to submit, for the information of the Minister of Justice, a map showing the territory included in the several descriptions in Sections 1, 2, 3 and 8 of the Act of the Ontario Legislature, passed at the last Session thereof, Cap. 19.

Respectfully submitted,

J. S. DENNIS, Deputy of the Minister of the Interior.

The Honorable the Minister of Justice.

B.

"In addition to the above Acts of the Legislature of British Columbia, a Bill was passed, intituled: "An Act to amend the Gold Mining Amendment Act, 1872", which Bill was reserved by His Honor the Lieutenant-Governor for signification of the pleasure of His Excellency the Governor General thereon. The Act is as follows:—

"Every Mining Court in this Province shall, in addition to its present jurisdiction, have jurisdiction in all personal actions arising within the limits of its District, and the Gold Commissioner presiding in any such Court shall have the like powers to enforce any judgment, decree, rule, or order of such Court as are conferred by Section 12 of the Gold Mining Amendment Act, 1872. The provisions of this Act shall only have effect in the Electoral District of Kootenay and in that part of the Province known as Cassiar."

The Attorney General for the Province reported on this Act to the Lieutenant-Governor as follows:—

"This Act gives jurisdiction in all personal actions to the Gold Commissioners in Kootenay and Cassiar, and appears to trench upon the provisions of the 96th section of the British North America Act which vests the appointment of the Supreme and County Court Judges in the Governor General alone, inasmuch as it provides that the paid employees of the Local Government in the District aforesaid shall have and exercise almost as much power as a Supreme County Court Judge. As I think this Legislature has not the power in effect to make these appointments, I would suggest that the Act be reserved for the consideration of His Excellency the Governor General."

I refer to the remarks made upon the Mining Court in connection with the 11th section of Act No. 14. This Bill is an illustration of the danger I have above alluded to, as if it became law, the jurisdiction of the Mining Court in the Districts referred to will be greater than the jurisdiction of the County Court, and equal to that of the Supreme Court. It might be convenient that a somewhat extended jurisdiction should be given to a District Court or Magistrate in the Districts of Kootenay and Cassiar, thereby avoiding the expense and delay attendant upon a Judge of the Supreme Court travelling to these distant parts of the Province for the purpose of holding Assize, and it is probable that this Bill was passed with that object in view, I would mention, however, that even were this Bill assented to, it would be necessary for a Supreme Court Judge to proceed to the District mentioned for the trial of criminal cases. Upon the whole, I recommend that the assent of the Governor General be not given to this Bill which in fact should have been disposed of by the local authorities themselves.

The following are the remarks above alluded to:—

“The section of the Act now under consideration further extends the powers of the Gold Commissioner as Judge of the Mining Court. The 90th section of the British North America Act, 1867, empowers the Governor General to appoint the Judges of the Superior District and County Court in each Province, except those of the Court of Probate in Nova Scotia and New Brunswick.”

“By the 92nd section the Provincial Legislatures have power to make laws in relation to the administration of justice, including the constitution, maintenance and organization of Provincial Courts both of civil and criminal jurisdiction. They have also power to legislate respecting the establishment and tenure of Provincial offices, and the appointment and payment of Provincial officers.”

“If there be power in the Legislature of British Columbia to establish this so-called Mining Court, and appoint and pay the Judges thereof, it must be found in the section I have just quoted. I think, however, that this Court which is declared to have original jurisdiction to be a Court of law and equity, and a Court of record with a specific seal, and for the purpose of enforcing its judgments, orders and decrees, to have (with certain exceptions) the same powers and authority legally and equitably as are exercised in the Supreme Court of Civil Justice of British Columbia by any Judge thereof, which has power also to summons a jury to assess damages, may be considered a Court within the meaning of the 96th section of the Confederation Act.”

“It is not in my opinion necessary to bring a Provincial Court within the provisions of this section that it should be called by the particular name of Superior, District, or County Court.”

“The exception to that section itself indicates that the Courts of Probate in Nova Scotia, and New Brunswick would, unless specially excepted, have come within the definition of Superior District, or County Courts.”

“It will be readily seen how easy it would be for the Local Legislature, by gradually extending the jurisdiction of those Mining Courts, and by curtailing the jurisdiction of the County Courts, or Supreme Courts as now established, to bring within their own reach not only the administration of justice in the Province, but also practically the appointment of the Judges of the Courts in which justice is administered.

Inasmuch, however, as legislation of a similar nature to that contained in the section now under consideration has been left to its operation in previous years, and as the provisions of the section appear to be convenient, I do not recommend a disallowance of the Act.

### C.

“Were this the first enactment of a similar nature passed by a Provincial Legislature, I would hesitate long before recommending that it should be left to its operation, as it appears to entrench upon the powers conferred upon the Governor General of Canada, by the 96th section of the British North American Act, 1867, which section is as follows:

“The Governor General shall appoint the Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.”

Inasmuch, however, as Provincial legislation has been previously left to its operation whereby certain judicial powers in civil matters have been conferred upon Stipendiary Magistrates, and whereby Courts presided over by the Stipendiary Magistrates and having in effect the powers of the Division Courts of Ontario have been constituted, I do not feel at liberty to object to the provisions of the present Act, provided the jurisdiction professed by the former legislation upon the subject which has been left to its operation has not in effect been substantially extended.

In a Report dated 29th September last, upon the Acts of last Session, of the Legislature of British Columbia, I had occasion to remark at some length upon legis-

lation of a nature similar to that now under consideration, and I then pointed out the danger which might ensue from this class of legislation.

I refer to that Report. The Act 31st Vic., 1868, Ontario Cap. 35, which was passed to provide for the organization of the Territorial District of Muskoka, and under which the Stipendiary Magistrate of that District was appointed, declared that certain provisions of Cap. 128 of the Consolidated Statutes of Upper Canada, intituled: "An Act respecting the administration of justice in unorganized tracts," should extend and apply to said District of Muskoka. Similar provisions are contained in the Act 33rd Vic. (1869) Ontario, Cap. 24, which provides for the organization of the Territorial District of Parry Sound, and in the Act 34 Vic. (1871), Ontario, Cap. 4, which provides for the organization of the Territorial District of Thunder Bay. The provisions of the Act of the Consolidated Statutes thus made applicable to these territorial districts in effect, providing for the holding of a Court of civil jurisdiction in each district under the name and style of the first (or other as the case may be) Division Court for the district of, &c., over which the Stipendiary Magistrate should preside and be the sole judge in all actions brought in such Division Court, and determine all questions as well of fact as of law in relation thereto, in a summary manner, with power, should he think fit, to summon a jury of five persons to try the fact controverted in a case.

For every such Court provision is made for an appointment of a clerk and one or more bailiffs. The jurisdiction of the Court is declared to be over all personal actions save certain excepted ones. Where the debtor's damages claimed are not more than \$100, each Court is to have a seal with which all summonses and other processes shall be sealed or stamped.

Suits are to be commenced by summons to the defendant, issued by the clerk, containing the particulars of the plaintiff's demand.

Provision is made for the subpoenaing of witnesses. That the judgment of the Court, with certain exceptions, to be final and conclusive. Provisions are made for the enforcement of the judgments of execution. Proceedings and suits against absconding debtors are provided for.

The magistrate is given jurisdiction on the consent of the parties to try and determine cases up to \$800 in amount.

In addition to the Act in the Consolidated Statutes above referred to, which has been made applicable to the three districts mentioned, certain provisions of the Act respecting Division Courts, being Cap. 19 of the Consolidated Statutes of Upper Canada, and of the Act to amend the Acts respecting Division Courts, being Cap. 23 of 32 Victoria (1868-9) Ontario are made applicable to the Districts of Parry Sound and Thunder Bay. The provisions of the Act respecting Division Courts referred to, relate to the examination of judgment debtors and claims of landlords to goods seized in execution.

The provisions of the Act 32 Victoria (1868-9) Ontario, amending the Acts respecting Division Courts, provide that all judgments in the Division Courts shall have and continue to have the same force and effect as judgments of Courts of Record.

Provisions are made for the entry of final judgments by the clerk when the claim is not disputed and proceedings for the garnishment of debts are provided for.

It will be thus seen that the jurisdiction of the Courts presided over by the Stipendiary Magistrates of the three districts above mentioned was, before the passing of the Act now under consideration, practically as extensive as the jurisdiction of the various Division Courts in the Province, and in some cases was more extensive. The present Act does not, therefore, seem to extend to any substantial extent, the jurisdiction previously possessed by those courts.

The section now under consideration, however, not only declares that the Stipendiary Magistrate as Division Court Judge shall have the like jurisdiction and powers as are now possessed by the County Court Judges in Division Courts in Counties, but goes on to provide that the provisions of law, from time to time, in force in Ontario relating to the Division Courts in Counties and the officers thereof, &c., shall apply to the Division Courts of these Districts.

This provision is, I think, objectionable, inasmuch as although it may be quite within the legislative authority of Ontario to increase the jurisdiction of the Division Courts in counties as such Courts are now presided over by Judges appointed by the Dominion, yet their jurisdiction might be increased to an extent that might be objectionable in the case of these District Division Courts, the Judges of which are appointed by Ontario. Were the section limited in its operation to the jurisdiction and power, &c., of the County Court Judges in Division Courts and counties as now existing, I would not for the reasons above mentioned recommend any interference with the Act.

I recommend, however, that the attention of the Lieutenant-Governor be called to the objection referred to, with a request that his Government may promote at the next Session, and before the time expires for determining as to the disallowance of the Act, amendatory legislation.

DEPARTMENT OF JUSTICE, OTTAWA, 24th November, 1869.

With reference to the report of the undersigned of the 3rd instant, relative to the Act passed by the Legislature of the Province of Quebec, at its last Session, being 32 Vic., Cap. 4., intituled: "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary papers;"

And also to the correspondence with the Government of Quebec on the subject, the undersigned has now the honor to report that, in his opinion, it was not competent for the Legislature of the Province of Quebec to pass such Act, and he therefore recommends that the same should not receive the confirmation of Your Excellency.

All of which is respectfully submitted.

JOHN A. MACDONALD.

GOVERNMENT HOUSE, OTTAWA, 26th day of November, 1869.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of Quebec, with the Legislative Council and Assembly of the said Province, did, on the 5th day of April, 1869, pass an Act which has been transmitted intituled as follows, viz. :—

"An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of parliamentary papers."

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General.

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of Quebec, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, John Young, Baronet, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Quebec, on the 5th day of April, 1869, intituled: "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protec-



tion to persons employed in the publication of parliamentary papers," was received by me on the 21st day of May, 1869.

Given under my hand and seal this 26th day of November, 1869.

[L.S.]

JOHN YOUNG.

GOVERNMENT HOUSE, OTTAWA, Wednesday, 25th day of October, 1876.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Quebec, with the Legislative Council and Assembly of the said Province, did, on the 23rd day of February, 1875, pass an Act which has been transmitted, intituled as follows, viz. : " An Act to incorporate the St. Lawrence Bridge Company ;"

And, whereas, the said Act has been laid before His Excellency the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that the said Act should not receive the confirmation of the Governor General ;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Quebec, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Sir Frederick Temple, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Quebec, on the 23rd day of February, 1875, intituled : " An Act to incorporate the St. Lawrence Bridge Company," was received by me on the 22nd day of November, 1875.

Given under my hand and seal this 25th day of October, 1876.

DUFFERIN.

EXTRACT from the Report of the Hon. the Minister of Justice, dated 16th October, 1876.  
Cap. 47.—" An Act to incorporate the St. Lawrence Bridge Company."

This Act recites that a bridge over the River St. Lawrence, passing at or near St. Helen's Island, and near the City of Montreal, has become an absolute necessity, both to establish a connection between the railways on the north of the River St. Lawrence and the railway system on the south of the river, and for other purposes. It incorporates the Quebec Railway Act of 1869 with certain exceptions; applying certain of its provisions to the Company incorporated and to the bridge authorized to be constructed by the Act. It authorizes the Company to build, construct, maintain, work, and manage a bridge across the River St. Lawrence from a point on the north shore passing on or near the Island called Isle Ronde to the St. Helon's Island or near it, near the City of Montreal, to or near the Parish of Longueuil, or St. Lambert, in the County of Chambly. It gives powers to any railway companies whose roads have a terminus or station at or near Montreal or connecting with any railway having such a terminus, to loan their credit to the corporation, and to subscribe to this stock. It provides that no work shall be commenced until the plans and the site of the bridge have been approved by the Lieutenant-Governor in Council, and the conditions he may impose shall have been complied with. And that notice of the particulars shall be published in two of the Montreal newspapers for a period of three months before steps are taken by the Company to erect the piers of the bridge.

A Bill was introduced during the last Session of the Canadian Parliament for the purpose of authorizing the construction of a bridge across the St. Lawrence River at or near Montreal which gave rise to a lengthened investigation into the question, and in the end the bill was not proceeded with. In view of what then occurred, and of the great importance of preserving the navigation of the River St. Lawrence, the undersigned recommends that the same course be taken with this measure as has been ordered with reference to the Act of the Legislature of Manitoba, for the construction of a bridge across the Assiniboine, and that the Act be disallowed, leaving to those interested to apply to the Parliament of Canada for authority to prosecute the enterprise.

EXTRACT from the Report of the Hon. the Minister of Justice, dated 11th August, 1869.

Cap. 21.—“An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to the Halifax Industrial School.”

This Act is objectionable, inasmuch as it deals with Criminal Law, which appertains to the Parliament of the Dominion. It is so clearly *ultra vires* as it deals with criminal convictions, sentences and imprisonments, not only in the Industrial School mentioned in the Act, but also by the 5th clause in the city prison, that the undersigned recommends that it be disallowed.

GOVERNMENT HOUSE, OTTAWA, Friday, 20th day of August, 1869.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of Nova Scotia with the Legislative Council and Assembly of that Province, did, on the 21st day of September, A. D. 1868, pass an Act which has been transmitted, intituled as follows, namely:—

“An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to the Halifax Industrial School.”

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that the change of the law, proposed in the said Act, cannot be legally effected by an Act of the Provincial Legislature, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of Nova Scotia, and all other persons whom it may concern are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, John Young, Baronet, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 21st day of September, 1868, intituled: “An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to the Halifax Industrial School,” was received by me on the thirtieth day of January, 1869.

Given under my hand and seal this twentieth day of August, 1869.

JOHN YOUNG.

GOVERNMENT HOUSE, OTTAWA, Saturday, 16th December, 1871.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of Nova Scotia, with the Legislative Council and Assembly of the said Province, did, on the fourth day of April, A.D., 1871, pass an Act which has been transmitted, entitled as follows, viz. :—  
“ An Act to regulate Pilotage in the Bras d’Or Lake in the Island of Cape Breton ;”

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General,—

His Excellency the Governor-General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, John Baron Lisgar, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 4th day of April, 1871, intituled : “ An Act to regulate Pilotage in the Bras d’Or, in the Island of Cape Breton,” was received by me on the 29th day of July, 1871.

Given under my hand and seal this sixteenth day of December, 1871.

[L.S.]

LISGAR.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 16th December, 1871.*

On a memorandum, dated 6th December, 1871, from the Hon: the Minister of Justice, having reference to his previous report of the 17th October last, on the subject of the Acts passed by the Legislature of Nova Scotia at the last Session, and further reporting :

That as regards Act, Cap. 32, intituled : “ An Act to regulate Pilotage in the Bras d’Or Lake, in the Island of Cape Breton,” he is of opinion that the Provincial Legislature has no power to regulate the fees of Pilots, and that such can only be done by the Act of the Dominion Parliament, and he, therefore, recommends that this Act be disallowed.

That with respect to Chap. 57, intituled : “ An Act to incorporate the Nova Scotia Mutual Fire Insurance Company,” he is of opinion that the 14th section is unconstitutional, in so far as it declares that the President and Directors of the Company incorporated by the Act, shall, for certain acts therein stated, be deemed guilty of misdemeanor.

That this is a matter relating to the Criminal Law which can only be dealt with by the Parliament of Canada.

That the attention of the Government of Nova Scotia should be called to this clause, so that it may be amended at the ensuing Session of the Legislature of that Province.

The Committee submit the foregoing recommendations for Your Excellency’s approval.

W. A. HIMSWORTH, C.P.C.

EXTRACT from the Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, December 6th, 1871.

Referring to his previous Report of the 17th October last, on the subject of the Acts passed by the Legislature of Nova Scotia at the last Session, the undersigned has the honor further to report:—

That with reference to the Act Cap. 32, intituled: "An Act to regulate Pilotage in the Bras d'Or Lake, in the Island of Cape Breton," he is of opinion that the Provincial Legislature has no power to regulate the fees of Pilots, and that such can only be done by Act of the Dominion Parliament. He, therefore, recommends that this Act be disallowed.

DEPARTMENT OF JUSTICE, OTTAWA, 4th December, 1874.

The undersigned has the honor to report, that an Act was passed by the Legislature of Nova Scotia in the Session 37th Victoria, 1874, being chaptered 74, and intituled: "An Act to incorporate the Halifax Company, Limited."

The objects of this Company are very extended, but, except as after mentioned, do not, on the face of them, appear to contemplate business out of the Province; but the undersigned is of opinion that attention must be given to Sec. 1, Sub-Sec. 7, which gives power to the Company to acquire \* \* \* \* any steam or other ships, barges or vessels for the purpose of conveying goods, whether belonging to the Company or not, or of conveying persons, and between any places whatever, and maintaining and running the same.

Also Sub-Sec. 9—Confers power on them to acquire \* \* \* \* for or in any connection with all or any of the purposes hereby authorized, any buildings, plants, machinery, stock in trade, goods, chattels, or effects in any part of the world.

Sub-Sec. 10—"To acquire by grant, purchase, license or otherwise, any patents, *brevets d'invention*, patent rights or copyrights, which may be desirable for the purposes of the Company."

Sub-Sec. 15—"To procure the Company to be constituted or incorporated as a corporation or anonymous society in any colony or foreign country."

Sub-Sec. 16—"To procure, obtain, accept, and observe the terms and conditions of any decrees, concessions, powers or privileges made or granted now or hereafter by any Government or other authorities."

Sub-Sec. 17—"To purchase, take over and adopt all or any part of the good-will, assets and liabilities of any other Company or person carrying on all or any branches of the business mentioned herein, and to buy, hold or sell any of the shares of the same Company, and to liquidate and wind up its business and affairs."

Sub-Sec. 18—"To make and carry into effect any arrangements with respect to the union of interests or amalgamation with any other company, corporation or person carrying on any business similar to that of this Company, &c."

Sec. 6—Also gives power to the "Company to make and construct any roads, railroads, &c., \* \* \* \* over, under and across any road, railroad, tramroad, or river, brook or stream," without any reference to the rights of navigation.

Whilst these rights cannot be affected by any local legislation, it would seem advisable that in such cases as the present, some mention should be made of them.

As to the Act itself, and the points previously alluded to, it appears by Section 7 that "the Halifax Company, Limited, is a Company incorporated in England under the Imperial Acts, 'The Companies Act, 1862,' and 'The Companies Act, 1867.'"

When the powers conferred by the Act are taken together, and in connection especially, with the sub-sections which have been alluded to, it appears obvious that the incorporation of the Company is for objects beyond the powers and control of a Local Legislature. It cannot be said that it is for purely local works or undertak-

ings, nor is it an incorporation of a Company with provincial objects, or of a merely local or private nature in the Province.

The undersigned, therefore, recommends that the Act in question should be disallowed.

H. BERNARD, Deputy Minister of Justice.

I concur.

T. FOURNIER, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Saturday, 12th December, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Nova Scotia, with the Legislative Council and Assembly of the said Province, did, on the 7th day of May, 1874, pass an Act which has been transmitted, intituled as follows, viz. :—" An Act to incorporate the Halifax Company, Limited; "

And, whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General ;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant Governor of the Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 7th day of May, 1874, intituled: " An Act to incorporate the Halifax Company, Limited," was received by me on the 22nd day of August, 1874.

Given under my hand and seal, this 12th day of December, 1874.

DUFFERIN.

GOVERNMENT HOUSE, OTTAWA, Wednesday, 31st March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of Nova Scotia, with the Legislative Council and Assembly of said Province, did, on the 7th day of May, 1874, pass an Act which has been transmitted, intituled as follows, viz. : " An Act to incorporate the Eastern Steamship Company; "

And, whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General ;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare the disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 7th day of May, 1874, intituled: "An Act to incorporate the Eastern Steamship Company," was received by me on the 22nd day of August, 1874.

Given under my hand and seal this thirty-first day of March, 1875.

DUFFERIN.

DEPARTMENT OF JUSTICE, OTTAWA, 25th March, 1875.

Upon the undermentioned Act, passed by the Legislature of the Province of Nova Scotia, in the year 1874, the undersigned has the honor to report:—

Chapter 82.—"An Act to incorporate the Eastern Steamship Company."

This Act purports to incorporate certain persons under the above name for the purpose of running steamers on the coast of this Province and elsewhere.

There is no limit therefore to its operation within the Province of Nova Scotia, on the contrary, it speaks of "elsewhere."

The undersigned is of opinion, therefore, that the Company comes within one of the clauses mentioned in the British North America Act, 1867, Section 92, Sub-section 10 Clause A.

The undersigned has the honor, therefore, to advise that this Act is not within the competence of a Local Legislature, and would recommend that this Act be disallowed by Your Excellency.

H. BERNARD, Deputy Minister of Justice.

I concur.

T. FOURNIER, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Saturday, 12th day of December, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of Nova Scotia, with the Legislative Council and Assembly of the said Province, did, on the 7th day of May, 1874, pass an Act, which has been transmitted, intituled as follows, viz: "An Act to incorporate the Anglo-French Steamship Company ; "

And, whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General ;

His Excellency the Governor General has, thereupon, this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 7th day of May, 1874, intituled: "An Act to incorporate the Anglo-French Steamship Company," was received by me on the 22nd day of August, 1874.

Given under my hand and seal this 12th day of December, 1874.

DUFFERIN.

DEPARTMENT OF JUSTICE, OTTAWA, 4th December, 1874.

Upon the undermentioned Act, passed by the Legislature of Nova Scotia, 1874, the undersigned has the honor to report "An Act to incorporate the Anglo-French Steamship Company."

This Act proposes to incorporate certain persons under the above name for the purpose of running a steamer or steamers to and from Ports in Nova Scotia, the Island of St. Pierre Miquelon and Newfoundland.

On the face of this Act it is shown to be for a line of steamships extending beyond the limits of the Province, and being between the Province and a British, as also a foreign country, and it obviously, therefore, comes within one of the classes mentioned in the British North America Act, Sec. 92, Sub-Section 10, Clauses *a* and *b*.

The undersigned has the honor to advise that this Act is not within the competence of a Provincial Legislature, and to recommend therefore that this Act be disallowed by Your Excellency.

H. BENARD, Deputy Minister of Justice.

I concur.

T. FOURNIER, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Monday, 7th September, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of Manitoba, with the Legislative Council and Assembly of the said Province did, on the 8th day of March, 1873, pass an Act which has been transmitted, intituled as follows, viz.: "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional papers;"

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act and the same is hereby disallowed accordingly

Whereof the Lieutenant-Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba, on the 8th day of March, 1873, intituled: "An Act to define the privileges, immunities and powers of the Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional Papers," was received by me on the 22nd day of November, 1873.

Given under my hand and seal this 7th day of September, 1874.

DUFFERIN.

DEPARTMENT OF JUSTICE, OTTAWA, 21st August, 1874.

The undersigned has the honor to report that in the Third Session of the First Legislature of Manitoba was passed an Act, chaptered 2, and intituled: "An Act to define the privileges, immunities and powers of the Legislative Council, and of the

Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional Papers."

The Act in question appears to be a transcript of the Act of the Province of Ontario of 1868, as to which the opinion of the law officers of the Crown in England was taken, and it was advised by them that it was not competent for the Legislature to pass such an Act; and that it was inconsistent with the provisions of Sections 92 and 96 of the British North America Act of 1867.

The Act of Ontario was accordingly disallowed.

The Legislatures of Quebec and British Columbia fell into the same error.

The undersigned has, therefore, the honor to report that in his opinion the Act is objectionable; and he recommends that the same be disallowed.

T. FOURNIER, Minister of Justice.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba on the eighth day of March, 1873, intituled: "An Act to incorporate the Winnipeg Board of Trade," was received by me on the 22nd day of November, 1873.  
Given under my hand and seal this 7th day of September, 1874.

DUFFERIN.

DEPARTMENT OF JUSTICE, 1st September, 1874.

Upon an Act passed in the Third Session of the First Legislature of Manitoba intituled: "An Act to incorporate the Winnipeg Board of Trade."

The undersigned has the honor to report that in 1873 this Act was passed by the Legislature of the Province of Manitoba, chaptered 32.

The undersigned is of opinion that the incorporation of Boards of Trade, not being for Provincial objects only, but treating of trade and commerce—a subject within the exclusive control of the Parliament of Canada only, rests with that Parliament.

In the Session of the Parliament of Canada lately held, provision was made by which persons, on application, can be incorporated as Boards of Trade.

The undersigned recommends, therefore, that this Act be disallowed.

T. FOURNIER, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Monday, 7th September, 1874.

*Present:*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of Manitoba with the Legislative Council and Legislative Assembly of the said Province did, on the 8th day of March, 1873, pass an Act which has been transmitted, intituled as follows, viz: "An Act to incorporate the Winnipeg Board of Trade;"

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.



DEPARTMENT OF JUSTICE, 25th May, 1876.

Upon an Act passed at the Session of the Legislature of Manitoba, held in the month of April, 1875, intituled: "An Act to regulate proceedings against and by the Crown," the undersigned begs to report:—

That it appears from the despatch of the Lieutenant-Governor accompanying the Act, that since its passing the Chief Justice of Manitoba has judicially stated as follows:—

"It was an easy thing for the Crown to put off the defendant; all it had to do was to allow the plaintiff to file an 'information of intrusion' against the defendant; or the plaintiff, under the Act of the last Session of the Manitoba Legislature, may now, with the consent of the Crown, obtain from the Crown Lands Agent, being an ordinary action of ejection in the name of the Queen against the defendant just the same as any ordinary action of ejection may be included and conducted between individual subjects."

The Lieutenant-Governor gives strong reasons for the view he himself entertains, that the Act in no particular affects the Crown in Canada but only the Crown in Manitoba.

The Act is similar in many respects to that passed by the Legislature of Ontario in 1872, upon which, in January, 1873, the then Minister of Justice reported as follows:

"With respect to this Act, the undersigned recommends that the attention of the Government of Ontario be called to the fact that it is so general in its terms that it might be held to apply to claims against the Government of the Dominion.

"It is presumed that this is not the intention, as the second clause of the Act provides that the fiat for a Petition of Right must be granted by the Lieutenant-Governor of the Province. Now, it is obvious that in case of claims against the Dominion the fiat should be granted by the Governor General.

"The passing of a short Act removing the doubt is suggested."

The Minister of Justice in that case recommended that the Act should be left to its operation, but it does not appear that the Legislature took any action upon the suggestion made in his report.

With reference to the Province of Manitoba, the same doubt arises and its existence is of infinitely greater consequence, since the lands of Manitoba are lands belonging to the Crown in Canada, and the greater bulk of them are still ungranted, and consequently, should the doubt be well founded, most serious consequences might ensue.

The observations of the highest legal authority of the Province add also in this case to the difficulty of leaving the Act to its operation.

It is to be observed that the Parliament of Canada in the Petition of Right Act past during last Session, recited the intent of that Act to be to make provisions for the institution of suits "against the Crown in Canada" by Petition of Right, and thus took pains to avoid the suggestion or reference to that Act of the doubt referred to.

The undersigned inclines to the opinion that the view of the Lieutenant-Governor is correct, but having regard to the judicial opinion already referred to, and seeing that but little or no inconvenience is likely to result from the absence for a short time of legislative provision in the particulars dealt with by the Act, the undersigned is of opinion that the safer course is to exercise the power of disallowance. The Provincial Legislature will thus be free to pass a Statute which, being confined in so far as it purports to authorize proceedings against the Crown to matters affecting the Crown in Manitoba will avoid the suggested difficulty.

With reference to that clause of the Statute upon which the judicial opinion already referred to proceeded, namely, the 7th, it appears to the undersigned that although from the reasoning of that opinion would flow the results suggested by the Lieutenant-Governor, yet other considerations arise as to the expediency of more extensive legislation and the competency of the Provincial authorities to pass it, and the undersigned is of opinion that it would be advantageous in any fresh legislation

upon this subject, if the Provincial Legislature should think fit without attempting to withdraw any of the existing rights as to procedure or otherwise of the Crown in Canada, to authorize the Crown in Canada to proceed in Manitoba as the subject may, though it would not be competent for the Provincial Legislature to provide for the payment of cost of such proceedings by the Crown in Canada, the statutory arrangements for which purpose would no doubt be made by the Parliament of Canada.

The undersigned on the Whole recommend that the said Act be disallowed:

EDWARD BLAKE, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Tuesday, 6th June, 1876.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Legislature of the Province of Manitoba, did, on the 14th day of May, 1875, pass an Act which has been transmitted, intituled as follows, viz.: "An Act to regulate proceedings against and by the Crown."

And, whereas, the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice recommending, for reasons therein given that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has, therefore, this day, been pleased by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the said Lieutenant-Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Sir Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of Manitoba, the 14th day of May, 1875, intituled: "An Act to regulate proceedings against and by the Crown;" was received by me on the 27th day of July, 1876.

Given under my hand and seal, this 6th day of June, 1876.

DUFFERIN.

GOVERNMENT HOUSE, OTTAWA, Wednesday, 16th August, 1876.

*Present :*

THE HON. WILLIAM BUELL RICHARDS, DEPUTY OF THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Manitoba, with the Legislative Council and Legislative Assembly of the said Province, did, on the 14th day of May, 1875, pass an Act which has been transmitted, Chaptered 18, and intituled: "An Act respecting Estreats, Fines, Penalties and Forfeitures;" and whereas, the said Act has been laid before the Deputy of the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should be disallowed;

His Honor the Deputy of the Governor General has thereupon this day been pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of Manitoba, and all persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, William Buell Richards, Deputy of the Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba

on the 14th day of May, 1875, intituled: "An Act respecting Estreats, Fines, Penalties and Forfeitures," was received by His Excellency the Governor General on the 17th day of August, 1875.

Given under my hand at Ottawa, this 16th day of August, 1876.

W. B. RICHARDS.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 16th August, 1876.*

The Committee have had under consideration the Report hereunto annexed from the Hon. Mr. Scott, acting in the absence of the Hon. the Minister of Justice, having reference to an Act passed by the Legislature of the Province of Manitoba, and assented to on the 14th May, 1875, being:

Cap. 18, intituled: "An Act respecting Estreats, Fines, Penalties and Forfeitures." And for the reasons therein given, they advise that the said Act be disallowed, and that a copy of the said Report be transmitted by the Secretary of State for the information of the Government of Manitoba.

DEPARTMENT OF JUSTICE, OTTAWA, 5th August, 1876.

Upon an Act passed by the Legislature of the Province of Manitoba, and assented to on the 14th May, 1875, being:

Cap. 18, intituled: "An Act respecting Estreats, Fines, Penalties and Forfeitures," the undersigned has the honor to report:

That the 1st section provides that "all fines, issues, amerciaments, penalties and forfeited recognizances, set, imposed, lost or forfeited, by or before any Court in the Province of Manitoba, of superior or inferior jurisdiction, or by or before any Magistrate, Mayor, Coroner or Justice of the Peace, or by the mere operation of any law or statute in force heretofore, now or hereafter in the said Province shall be paid over to the Provincial Treasury of the said Province by the person collecting the same, and shall form part of the annual revenue of the said Province."

The 2nd and following clauses provide for the proceeding in case of the default of the recognizances, and how the same are to be estreated and put in judgment. It also provides in the 11th clause that the Sheriff shall, without delay, pay over to the Provincial Treasurer of Manitoba all moneys by him made or collected under this Act.

The 12th clause provides that with respect to any fine, issue, amerciamment, penalty or forfeiture which is now or may hereafter become due and payable to the Crown within the Province of Manitoba by the mere operation of any law or statute in force in the said Province, heretofore, now or hereafter, it shall be sufficient for the Clerk of the Crown and Peace to take the necessary proceeding to estreat as therein provided.

The undersigned has grave doubts whether the subject on which this Statute treats is not, as to the whole, a matter of criminal procedure and, therefore, not within the competence of a Local Legislature.

Without dwelling, however, upon that point, he observes that a definite provision is made by the first clause, that all fines, penalties, &c., set, imposed, lost or forfeited in the Province of Manitoba, or by the mere operation of any law or statute in force heretofore, now, or hereafter, shall be paid over to the Provincial Treasurer, and shall form part of the annual revenue of the Province.

By the 11th clause the Sheriff is to pay over all moneys received by him in such respect to the Treasurer of Manitoba; and by the 12th clause provision is made as to such fines, penalties or forfeitures, as may now or hereafter become due and payable to the Crown within Manitoba, by the mere operation of any law or statute in force in the said Province.

This provision deals, therefore, with many matters which come within the exclusive legislative competence of the Parliament of Canada.

There are many fines, penalties or forfeitures in respect of which Parliament has legislated and made provision, both as to the mode of recovery and the appropriation thereof, such, for instance, as in the Inland Revenue and Customs Act.

In addition, also, as to pecuniary penalties and forfeitures, provision is further made as to their recovery and appropriation by the "Interpretation Act," 1867, 31st Vic., Chap. 1, Sec. 6, Sub-sec. 22.

The undersigned is, therefore, of opinion that the Act in question deals with matters beyond the competence of a Local Legislature, and he recommends, therefore, that the Act passed by the Legislature of Manitoba in the 38th year of Her Majesty's Reign, Cap. 18, intituled: "An Act respecting Estreats, Fines, Penalties and Forfeitures," be disallowed."

R. W. SCOTT, Acting Minister of Justice.

*Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Governor General in Council on the 7th October, 1877.*

The Committee of Council have had under consideration the report, hereunto annexed from the Hon. the Minister of Justice, having reference to three Acts, therein mentioned, passed by the Legislature of the Province of Manitoba, in the year 1875, 38th Victoria, and they respectfully advise that the Acts, Caps. 33 and 37 therein referred to, be disallowed, and that the third Act, Cap. 26, be left to its operation.

W. A. HIMSWORTH, C.P.C.

DEPARTMENT OF JUSTICE, OTTAWA, 7th October, 1876.

Statutes of Manitoba passed in the year 1875, 38th Victoria.

Cap. 33.—"An Act to afford facilities for the construction of a Bridge over the Assiniboine River between the City of Winnipeg and St. Boniface West."

This Act provides for the granting of a license for the construction of the proposed bridge, the license to extend over a period not exceeding twenty years.

The 3rd section provides that the Lieut.-Governor may require the bridge to be constructed with a draw therein so as to permit the passage of steam and other vessels in the River Assiniboine.

The Act thus admits that the river is navigable, and that, under its provisions, navigation may be obstructed.

In response to an application by the undersigned, the Minister of Public Works reports that the project has been so far entertained for making the Assiniboine a channel for reaching Manitoba Lake and the Saskatchewan River, as to send an engineer to examine the country between the said Lake and the Assiniboine; that the project is quite feasible, and could be accomplished at very little cost; and that, if accomplished, continuous navigation would be had by that route to all points on Red River and Lake Winnipeg. The Minister is disposed to advise that under these circumstances the Act should be disallowed, and that any authority which may be required for bridging the Assiniboine at any point east of Portage La Prairie should be obtained from the Dominion Legislature.

Upon communication with the Lieutenant-Governor of Manitoba, it has been ascertained that no action has been taken by the Government of that Province upon the authority conferred by the Act.

The undersigned recommends that the Act in question be disallowed.

Cap. 37.—"An Act to amend Cap. 46, Vic. 37, intituled the Half-Breed Land Grant Protection Act."

The Act by this Statute amended was reserved, and the assent was given by His Excellency in Council, in pursuance of a report of the then Minister of Justice, pointing out that its operation was on the whole beneficial to the Half-Breeds. The present Act modifies the provisions of the former one in some material particulars; but not to the advantage of the Half-breeds.

It provides that when a Half-breed having sold his interest, and received therefor a consideration, shall return or tender to the purchaser the full consideration and the purchaser's expenses with interest at 12 per cent. per annum within three calendar months from the passing of the Act, the agreement shall not be binding; otherwise the bargain, if in writing, shall be valid, and the Half-breed shall assign the granted lands within three months after the receipt of the patent from the Crown: It repeals the second section of the former Act. It provides that notice of the passing of the Act shall be given in the *Manitoba Gazette* for three months after its being assented to by the Crown.

The undersigned referred to the Minister of the Interior for his view of this Act, and his report is as follows:—

"The undersigned having failed to find in Ottawa any evidence of compliance with the 3rd Section of the Act, referred for information on this point to the Hon. Mr. Royal, Attorney-General of Manitoba, now here, who states that no notice of the passage of the Act in question was given, and that the same has not been considered as in force in the Province."

"This notice was evidently intended for the information of the Half-breeds who may have sold their claims in order that they might redeem them if so inclined, in manner as pointed out in Section 1 of the Act; but it was not given, Mr. Royal says, in consequence of a doubt on the part of himself and his colleagues whether the Act would be allowed by the Governor-General."

"Under the circumstances the undersigned recommends that the Act be disallowed, especially as in his opinion the original Act, 37 Vict., Chap. 44, alluded to, afforded all necessary protection to the purchase of Half-breed land rights."

Under the circumstances stated in this report, the undersigned concurs in the recommendation of the Minister of the Interior, that the Act should be disallowed.

Cap. 26.—"An Act to amend the Act intituled: an Act for the protection of the wood lands of the Province."

This Act makes it an offence punishable by a penalty not exceeding \$200, and in default of payment imprisonment not exceeding two months, to burn or set fire to any trees or timber on any lands in the Province. The provisions being much more rigorous than those which had been enacted in the Province of Quebec, or previously in the Province of Manitoba, the undersigned caused enquiries to be made of the Minister of Public Works and of the Minister of the Interior as to their view of the operation of the Statute with reference to the Dominion Public Works in the Province and to the settlement of Dominion lands in the Province.

The Minister of Public Works reports that most of the Pacific Railway proper, within the boundary of Manitoba, is on prairie land; that the woodland portion is already cleared and burned; and that it does not therefore seem necessary to object to the Act on account of any inconvenience which might result to contractors or others on the railway line; and that the measure cannot interfere with any other works now in progress or likely to be undertaken.

The Minister of the Interior reports, that if enforced by the Province the law would prevent entirely the clearing up and bringing into cultivation any land covered with timber, under circumstances where it would not pay to take such timber to market, that there are, perhaps, few, if any, parts of the Province where heavy timber might not be sold more or less to advantage, but the effect of the local Act proposed would be to prevent, under any circumstances, the burning on the land of refuse timber, or even perhaps of brush.

No legal question is involved, and the undersigned submits these opinions for the consideration of Council as to the course to be taken with reference to this Act.

EDWARD BLAKE, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Saturday, 7th day of October, 1876.

*Present :*

HIS HONOR THE DEPUTY OF THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of Manitoba, with the Legislative Council and Assembly of the said Province, did, on the 14th day of May, 1875, pass an Act, which has been transmitted, intituled, as follows, viz: "An Act to afford facilities for the construction of a Bridge over the Assiniboine River, between the City of Winnipeg and St. Boniface West."

And, whereas, the said Act has been laid before the Deputy of the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that the said Act should not be left to its operation.

His Honor the Deputy of the Governor General has, thereupon, this day, been pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

I, William Buel Richards, Deputy of the Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba, on the 14th day of March, 1875, intituled: "An Act to afford facilities for the construction of a Bridge over the Assiniboine River, between the City of Winnipeg and St. Boniface West," was received by the Governor General on the 16th day of October, 1875.

Given under my hand, this 7th day of October, 1876.

WM. B. RICHARDS, Deputy Governor.

GOVERNMENT HOUSE, OTTAWA, Saturday, 7th day of October, 1876.

*Present :*

HIS HONOR THE DEPUTY OF THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Manitoba, with the Legislative Council and Assembly of the said Province, did, on the 14th day of May, 1875, pass an Act which has been transmitted, intituled, as follows, viz:—

"An Act to amend Chapter 46, Victoria 37, intituled, 'The Half-Breed Land Grant Protection Act;'"

And, whereas, the said Act has been laid before the Deputy of the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that the said Act should not be left to its operation.

His Honor the Deputy of the Governor General has, thereupon, this day, been pleased, by and with the advice of the Privy Council, to delare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

I, William Buell Richards, Deputy of the Governor General of Canada, do hereby certify, that the Act passed by the Legislature of the Province of Manitoba, on the 14th day of May, 1875, intituled: "An Act to amend Cap. 46, Victoria 37, intituled: 'The Half-Breed Land Grant Protection Act,'" was received by the Governor General on the 16th day of October, 1875.

Given under my hand, this 7th day of October, 1876.

WM. B. RICHARDS, Deputy Governor.

DEPARTMENT OF JUSTICE, OTTAWA, 9th March 1874.

Upon the despatch of the Lieutenant-Governor of British Columbia, dated 27th February, 1873, received by the Secretary of State on the 14th March, the undersigned has the honor to report, that the 2nd Chapter, intituled: "An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions," provides that one Justice of the Peace may act in place of two, and also as to the validity of warrants; and that any person who shall feel himself aggrieved by the judgment of any Justice or Justices adjudicating; or before whom he was convicted, may appeal to the next Court of General or Quarter Sessions of the Peace.

The undersigned has the honor to state that this is legislation respecting the Law of Criminal Procedure, which appertains solely to the Parliament of the Dominion, and the undersigned recommends, therefore, that the Act in question be disallowed.

A. A. DORION, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Friday, 13th day of March, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of British Columbia with the Legislative Assembly of that Province did, on the 21st day of February, A.D., 1873, pass an Act which has been transmitted, intituled, as follows, viz: "An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions;"

And, whereas, the said Act has been laid before the Governor General in Council, together with a Report from the Hon. Minister of Justice, setting forth that he is of opinion that the change of the law proposed in the said Act cannot be legally effected by an Act of the Provincial Legislature, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, on the 21st day of February, 1873, intituled: "An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions" was received by me on the fourteenth day March, 1873.

Given under my hand and seal this thirteenth day of March, 1874.

DUFFERIN.

*COPY of a Report of a Committee of the Honorable the Privy Council, approved of by His Excellency the Governor General in Council, on the 23rd January, 1875.*

The Committee of the Privy Council have had under consideration the Report, hereunto annexed, from the Honorable the Minister of Justice, to whom was referred, with the other Acts passed by the Legislature of the Province of British Columbia in

the 37th year of Her Majesty's reign, the following Act, which was assented to by the Lieutenant-Governor, on the 2nd March, 1874, viz., No. 2, intituled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia," and they respectfully submit their concurrence in the views and recommendations set forth in the said Report, and advise that a copy thereof be transmitted to the Right Honorable Her Majesty's Secretary of State for the Colonies and to the Lieutenant-Governor of British Columbia.

W. A. HIMSWORTH, C.P.C.

DEPARTMENT OF JUSTICE, OTTAWA, 19th January, 1875.

The undersigned has the honor to report:

That of the Act passed by the Legislature of the Province of British Columbia, in the 37th year of Her Majesty's reign, and assented to on the 2nd March, 1874, is the following: "No. 2, intituled "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia."

The title of the Act explains its objects.

It is a consolidation of the laws relating to the recording and pre-emption of lands, the surveying and sale of them; the regulation of miners rights, &c.

By its concluding section the Act is not to come into force until the Lieutenant-Governor's assent thereto has been proclaimed by notice in the British Columbia Gazette.

The second or interpretation clause, defines that the words "'Crown Lands' shall mean all lands of this Province held by the Crown in free and common soccage."

It is probably through inadvertence that this definition has been made, and that the tenor of free and common soccage, which is that of freehold under grant from the Crown, is made applicable to lands of the Crown held as such by the Crown as lord of the soil.

Were it an intentional definition, it could only then mean a recognition of the Indian sovereignty therein, and that Her Majesty is tenant by freehold.

Abandoning, therefore, this statutable definition, which is inapplicable, the words "Crown Lands" may, for the purpose of this memorandum, be considered to mean all lands in the Province vested in the Crown of which no grant had been made.

A distinction is made between "unsurveyed land" and "surveyed land." As to "unsurveyed land," it provides that any person qualified under that section may record any tract of unoccupied, unsurveyed and unreserved Crown Lands (not being an Indian settlement) not exceeding the extent mentioned;

"Provided that such right shall not be held to extend to any of the aborigines of this continent, except to such as shall have obtained permission in writing to so record by a special order of the Lieutenant-Governor in Council."

The record is done by staking and marking out the boundaries of claim, and making a declaration in respect thereof.

As to "surveyed land," it is defined by the 23rd section.

A provision is made by the 24th section as to who may pre-empt any tract of surveyed, unreserved, unoccupied and unrecorded land (not being an Indian settlement) and a similar proviso to that above mentioned prohibits the aborigines of the continent the right of pre-emption, except as before-mentioned.

Such persons as pre-empt are known as "home settlers."

The undersigned deems it proper to notice that there is not in this Act any reservation of lands in favor of the Indians or Indian Tribes of British Columbia; nor are the latter thereby accorded any rights or privileges in respect to lands, or reserves, or settlements.

On the contrary, the right to record unsurveyed land, or to pre-empt surveyed land, is expressly enacted not to extend to any of the aborigines, except such as shall have obtained permission in writing of the Lieutenant-Governor in Council.

Nor can the undersigned find that there is any legislation in force in British Columbia which provides reservations of lands for the Indians, the only ordnance



in that respect being one of the 15th March, 1869, which speaks of Crown Lands in the Colony being Indian Reserves or settlements.

The undersigned refers to the Order in Council, under which the Province of British Columbia was admitted into the Dominion, and particularly the 13th section as to the Indians, which is as follows:—

“The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.”

The question as to the provision which has been made of reserves for the Indians has been the subject of an Order of the Governor General in Council, dated 4th November, 1874, and it is not necessary, therefore, to enter upon a discussion of the merits of the case.

But having regard to the known existing and increasing dissatisfaction of the Indian tribes of British Columbia at the absence of adequate reservations of lands for their use, and at the liberal appropriation for those in other parts of Canada upon surrender by treaty of their territorial rights, and the difficulties which may arise from the not improbable assertion of that dissatisfaction by hostilities on their part, the undersigned deems it right to call attention to the legal position of the public lands of the Province.

The undersigned believes that he is correct in stating that with one slight exception as to land in Vancouver Island surrendered to the Hudson Bay Company, which makes the absence of others the more remarkable, no surrenders of lands in that Province have ever been obtained from the Indian tribes inhabiting it, and that any reservations which have been made, have been arbitrary on the part of the Government and without the assent of the Indians themselves, and though the policy of obtaining surrenders at this lapse of time and under the altered circumstances of the Province, may be questionable, yet the undersigned feels it his duty to assert such legal or equitable claim as may be found to exist on the part of the Indians.

There is not a shadow of doubt that, from the earliest times, England has always felt it imperative to meet the Indians in council, and to obtain surrenders of tracts of Canada as from time to time such were required for the purposes of settlements.

The 40th article of the treaty of capitulation of the City of Montreal, dated 8th September, 1760, is to the effect that,

“The Savages or Indian allies of His Most Christian Majesty shall be maintained in the lands they inhabit if they choose to remain there.”

The proclamation of King George III., 1763, erecting within the countries and islands, ceded and confirmed to Great Britain by the Treaty of the 10th February, 1763, four distinct Governments, styled Quebec, East Florida, West Florida, and Grenada, contains the following clauses:—

“And, whereas, it is just and reasonable and essential to our interests and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories, as not having been ceded to us, are reserved to them, or any of them as their hunting grounds; We do, therefore, with the advice of our Privy Council, declare it to be our Royal will and pleasure that no Governor or Commander-in-Chief, in any of our colonies of Quebec, East Florida or West Florida, do presume upon any pretense whatever to grant warrants of survey or pass any patents for lands beyond the boundaries of their respective Governments as described in their commissions; as also, that no Governor

or Commander-in-Chief of our other colonies or plantations in America, do presume for the present and until our future pleasure be known, to grant warrants of survey or pass any patents for lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the West or North-West; or upon any lands whatever, which, not having been ceded to, or purchased by us as aforesaid, are reserved to the said Indians or any of them; and we do further declare it to be our Royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the land and territories not included within the limits, and territory granted to the Hudson Bay Company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatsoever, or taking possession of any of the lands above reserved without our special leave and license for that purpose first obtained. And we do further strictly enjoin and require all persons whatsoever, who have either wilfully or inadvertently seated themselves upon any land within the countries above described, or upon any other lands, which not having been ceded to or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

“And whereas great frauds and abuses have been committed in the purchasing of lands from the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our Privy Council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our colonies where we had thought proper to allow settlements; but if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the Governor or Commander in Chief of our colony respectively within which they shall be; and in case they shall be within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; and we do, by the advice of our Privy Council, declare and enjoin that the trade with the said Indians shall be free and open to all our subjects whatever; provided that every person who may incline to trade with the said Indians do take out a license for carrying on such trade from the Governor or Commander in Chief of any of our colonies respectively where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade; and we do hereby authorize, enjoin and require the Governors and Commanders in Chief of all our colonies respectively, as well as those under our immediate Government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

“And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of the Indian affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever who, standing charged with treason, misprison of treason, murder or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the Colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.”

It is not necessary now to enquire whether the lands to the West of the Rocky Mountains, and bordering on the Pacific Ocean, form part of the lands claimed by

France, and which, if such claim were correct, would have passed by cession to England under the Treaty of 1763, or whether the title of England rests on any other ground; nor is it necessary to consider whether that proclamation covered the land now known as British Columbia.

It is sufficient for the present purposes to ascertain the policy of England in respect to the acquisition of the Indian territorial rights, and how entirely that policy has been followed to the present time, except in the instance of British Columbia.

It is true, also, that the Proclamation of 1763, to which allusion has been made, was repealed by the Imperial Statute 14 George III., cap. 83, known as "The Quebec Act;" but that Statute merely, so far as regards the present case, annuls the Proclamation, "so far as the same relates to the Province of Quebec and the Commission and the authority thereof, under the authority whereof the Government of the said Province is at present administered," and the Act was passed for the purpose of effecting a change in the mode of the Civil Government of the administration of justice in the Province of Quebec.

The Imperial Act, 1821, 1st and 2nd George IV., cap. 66, for regulating the Fur Trade and establishing a Criminal and Civil jurisdiction within certain parts of North America, legislates expressly in respect to the portion of this continent which is therein spoken of as "the Indian Territories," and by the Imperial Act, 1849, 12 and 13 Vic., cap. 48, "An Act to provide for the administration in Vancouver's Island". The last-mentioned Act is recited, and it is added on recital that "for the purpose of the colonization of that part of the said Indian Territories called Vancouver's Island, it is expedient that further provision should be made for the administration of justice therein."

The Imperial Act, 21 and 22 Vic., cap. 98; "An Act to provide for the government of British Columbia," recites, "that divers of Her Majesty's subjects and others have, by the license and consent of Her Majesty, resorted to and settled on certain *wild and unoccupied territories* on the north-west coast of North America, now known as 'New Caledonia,' from and after the passing of the Act to be named British Columbia, and the Islands adjacent," &c.

The determination of England, as expressed in the Proclamation of 1763, that the Indians should not be molested in the possession of such parts of the dominions and territories of England, as, not having been ceded to the King, are reserved to them, and which extended also to the prohibition of purchase of lands from the Indians, except only to the Crown itself—at a public meeting or assembly of the said Indians to be held by the Governor or Commander-in-Chief, has, with slight alteration, been continued down to the present time, either as the settled policy of Canada or by Legislative provision of Canada to that effect, and it may be mentioned that in furtherance of that policy, so lately as in the year 1874, treaties were made with various tribes of Indians in the North-West Territories, and large tracts of lands, lying between the Province of Manitoba and the Rocky Mountains, were ceded and surrendered to the Crown, upon conditions of which, the reservation of large tracts for the Indians and the granting of annuities and gifts annually, formed an important consideration; and, in various parts of Canada, from the Atlantic to the Rocky Mountains, large and valuable tracts of land are now reserved for the Indians, as part of the consideration of their ceding and yielding to the Crown their territorial rights in other portions of the Dominion.

Considering, then, these several features of the case, that no surrender or cession of their territorial rights, whether the same be of a legal or equitable nature, has been ever executed by the Indian Tribes of the Province,—that they allege that the reservations of land made by the Government, for their use, have been arbitrarily so made and are totally inadequate to their support and requirements, and without their assent—that they are not averse to hostilities in order to enforce rights which it is impossible to deny them, and that the Act under consideration not only ignores those rights, but expressly prohibits the Indians from enjoying the rights of recording or pre-empting lands, except by consent of the Lieutenant-Governor,—the undersigned feels that he cannot do otherwise than advise that the Act in question is objectionable,

as tending to deal with lands which are assumed to be the absolute property of the Province, an assumption which completely ignores, as applicable to the Indians of British Columbia, the honor and good faith with which the Crown has in all other cases, since its sovereignty of the territories in North America, dealt with their various Indian Tribes.

The undersigned would also refer to the B. N. A. 1867, Sec. 109, applicable to British Columbia, which enacts in effect that all lands belonging to the Province shall belong to the Province, "subject to any trust existing in respect thereof, and to any "interest other than that of the Province in the same."

That which has been ordinarily spoken of as the "Indian Title" must, of necessity, consist of some species of interest in the lands of British Columbia.

If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation, or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to a "trust existing in respect thereof," at least "to an interest other than that of the Province alone."

The undersigned, therefore, feels it incumbent on him to recommend that this Act should be disallowed, but suggests that such disallowance be postponed until the last day at which such can take place, with a view of communication on the subject with the Lieutenant-Governor of British Columbia.

It may be anticipated that no practical inconvenience can arise from its disallowance, should such be necessary, as the previously existing Crown Land Act will probably suffice to enable the Province to continue, in the meantime, disposal of lands.

The undersigned, whilst commenting on this Act, deems it also expedient to call attention to that provision of the Order in Council, under which the Province of British Columbia entered Confederation, which refers to the conveyance by the Province to the Dominion Government, in trust of public lands along the line of the Pacific Railway throughout the entire length of British Columbia. It may, of course, be argued that there has been no actual commencement, within two years of the date of union of the Pacific Railway, but having regard to the practical commencement of that work in the survey which have been made along different portions of the contemplated route, the undersigned deems it his duty to note, that no reservations are made in the Act now under consideration, and that, without them, the recording and pre-emption of lands under this Act might be the subject of great embarrassment to the Government of Canada, in the construction of the line or in the granting of any contracts for construction of portions of it.

He suggests, therefore, that this is a further subject on which it is desirable that communication should be had with the Lieutenant-Governor of British Columbia.

H. BERNARD, Deputy Minister of Justice.

I concur,

T. FOURNIER, Minister of Justice.

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DEPARTMENT OF JUSTICE, OTTAWA, 11th March, 1875.

The undersigned has the honor to report, with reference to the Order in Council of the 23rd January last, upon the subject of an Act passed by the Legislature of the Province of British Columbia as to the Crown Lands in that Province, and to the proposed disallowance of that Act, that the time has come when it is necessary to take the step proposed.

The undersigned has, therefore, for reasons stated in the Order in Council, the honor to recommend that the Act of the Legislature of British Columbia passed in the 37th year of Her Majesty's reign, and assented to on the 2nd March, 1874, and intitled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia," be disallowed by Your Excellency in Council.

T. FOURNIER, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Tuesday, 16th day of March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of the said Province, did, on the 2nd day of March, 1874, pass an Act, which has been transmitted, intituled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia;"

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has, therefore, this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, on the 2nd day of March, 1874, intituled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia," was received by me on the 26th day of March, 1874.

Given under my hand and seal this sixteenth day of March, 1875.

DUFFERIN.

[L.S.]

GOVERNMENT HOUSE, OTTAWA, Tuesday, 16th day of March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of the said Province, did, on the 2nd day of March, 1874, pass an Act which has been transmitted, intituled as follows, viz. :—"An Act to make provision for the better administration of justice;"

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of

British Columbia, on the 2nd day of March, 1874, intituled: "An Act to make provision for the better administration of Justice," was received by me on the 26th day of March, 1874.

Given under my hand and seal this twentieth day of March, 1875.

DUFFERIN.

[L.S.]

DEPARTMENT OF JUSTICE, OTTAWA, 28th April, 1876.

With reference to the Acts of British Columbia assented to on the 22nd April, 1875, the time for action upon which will expire on the 8th May next, the undersigned begs to report as follows:—

1. By Minute in Council of the 16th October, 1875, the report of the undersigned upon the Act intituled: "An Act to make provision for the better administration of Justice," was approved.

A copy of that Minute was transmitted to the Lieutenant-Governor of British Columbia.

The views of the Government of British Columbia not having been communicated to His Excellency, the Secretary of State recently asked for a telegraphic communication upon the subject.

By telegraph, dated 27th April, from the Lieutenant-Governor to the Secretary of State, he is informed that the Government of British Columbia concurs in the disallowance of the Act for the better administration of justice; that the general question involved therein is now under consideration, and a Bill re-organizing the system will, if time admit, be submitted to the Legislature.

The report of the undersigned proposed that it should be suggested to the Government of British Columbia to repeal the Act, and to effect the division of the Province into Districts, &c., by legislation, instead of by the machinery proposed by the Act.

As the Provincial Government suggests the exercise of the power of disallowance, and it is not certain whether amendatory legislation will be had this Session, the undersigned recommends that the said Act be disallowed.

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GOVERNMENT HOUSE, OTTAWA, Friday, 5th May, 1876.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Legislature of the Province of British Columbia did, on the 22nd day of April, 1875, pass an Act, which has been transmitted, intituled: "An Act to make provision for the better administration of justice;"

And, whereas, the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice recommending, for the reasons therein given, that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Sir Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the

Province of British Columbia, the 22nd day of April, 1875, intituled: "An Act to make provision for the better administration of Justice," was received by me on the 8th day of May, 1875.

Given under my hand and seal this 5th day of May, 1876.

DUFFERIN.

EXTRACT from Report of Minister of Justice of 29th September, 1877.

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No. 32.—"An Act to incorporate the Alexandra Company, Limited."

The 1st section of this Act provides that certain persons shall be a body corporate for the purpose of carrying on the business of corning and curing meats, &c., for engaging in their production and growth, and for the manufacture of hides, leather, soap and candles, and doing all things appertaining thereto or connected therewith, in the Province of British Columbia or elsewhere, and shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded in any Court of law or equity within the Province of British Columbia or elsewhere.

The 18th section provides that the Company shall have power, among other things, to charter, navigate and maintain ships, steamers, &c., for the carrying and conveying of goods and passengers or other traffic between the ports of British Columbia and elsewhere in Canada, and oceans, lakes, rivers or high seas, or other navigable waters thereof, or from any port or ports in British Columbia or elsewhere in Canada, to any foreign port or ports, or from one foreign port or ports to any port or ports of British Columbia or elsewhere in Canada, and upon the oceans, rivers, lakes or high seas or other navigable waters whatsoever.

The 21st section gives the Company power to appoint resident agents at any port or place within the Province of British Columbia or elsewhere, for the purpose of effecting purchases and sales and attending to the general interests of the Company.

The power of the Local Legislature to incorporate a company is to be found in the 11th sub-section of Section 92, British North America Act, 1867. Such power is confined to the incorporation of companies "with provincial objects." It appears to me that some, at least, of the powers conferred upon this Company are not confined to provincial objects. The Company is not only incorporated for the purpose of carrying on its business in British Columbia, but the words "or elsewhere" are added, which would apparently enable them to carry on business over the whole Dominion and also in other countries. The power to charter, navigate and maintain ships, steamers, &c., for the carrying and conveying of goods and passengers or other traffic to the wide extent above mentioned clearly exceeds any fair construction of the words "with provincial objects." In fact the attempt to authorize this Company to carry on so extended a traffic seems to be in direct conflict with the 10th sub-section of Section 92, which enables the Local Legislature to make laws in relation to local works and undertakings, other than such as are of the following classes, namely:—

"Lines of steam or other ships, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province lines of steamships between the Province and any British or foreign country."

Legislation of a nature similar to this which has taken place in other Provinces of the Dominion has been objected to, and has been either disallowed or subsequently amended or repealed.

I recommend that the attention of the Lieutenant-Governor be called to the objectionable features of this Act to the end that his Government may, at the next Session, and before the time expires within which it must, if not amended, be disallowed, promote such legislation as may be necessary to amend the Act in such a

manner as will confine the objects of the Company to such matters as may be within the legislative authority of the Provincial Legislature.

It is doubtful whether the provisions of the 21st section, giving the Company power to appoint a resident agent at any place within British Columbia or elsewhere, for the purpose of effecting purchases and sales, and attending to the general interests of the Company, are within the authority of the Local Legislature. If, however, the objects of the Company be confined to Provincial objects, within the meaning of those words in the British North America Act, the power thus given would not appear to be objectionable.

No. 33.—“An Act to incorporate the British Columbia Insurance Company, Limited.”

This Act by Section 1 incorporates certain persons for the carrying on the business of fire and marine insurance, and doing all things appertaining thereto or connected therewith, in the Province of British Columbia and elsewhere.

Section 18 gives the Company power to make contracts of insurance with any person against loss or damage by fire, or lightning on any house, store, or other building whatsoever, and, in like manner, on any goods whatsoever, and to make contracts of insurance with any person against loss or damage by fire, storm or tempest, or from any other cause, of or to ships, boats, vessels, steamboats or other craft navigating the oceans, lakes, rivers, or high seas, or other navigable waters whatsoever, from any port or ports in Canada to any other port or ports in Canada, or to any foreign port or ports upon the oceans, lakes, rivers, or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of or to the cargoes or property conveyed in or upon any such ships, &c., and the freight due or to grow due in respect thereof, or of, or to timber or other property of any description conveyed in any manner upon any of the oceans, seas, &c., or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with fire and marine insurance.

The 21st section empowers the Company to appoint resident agents at any place within the Province of British Columbia, or elsewhere, for the purpose of effecting at such places marine insurance upon ships, freights and cargoes, and insurance against losses by fire on buildings and other property, and to appoint and establish local agencies and local Boards of direction or of supervision, and give the Company power to comply with the laws of any Province, State or country wherein it proposes to carry on business, so far as such laws are not inconsistent with the provisions of the Act.

The powers thus proposed to be conferred by this Act appear to too wide, as the Company is in effect authorized to do a universal insurance business.

I refer to the remarks just made upon the preceding Act which are here applicable.

Acts similar to the one now under consideration were passed by other provinces, but were objected to and amended or disallowed.

I refer to the Report of the Minister of Justice of the 15th September, 1876, upon certain Acts passed by the Legislature of Nova Scotia, 38th Vic. (1875) where remarks are made and extracts given from other reports upon this subject.

I recommend that a similar course be taken with this Act to that which has been recommended with reference to the preceding one.

The 9th section empowers the Company to invest its funds in the public securities of the Dominion of Canada, or of any of the provinces thereto, or of any foreign State or States when required for the carrying on business in such foreign state, or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town, etc., or in mortgages of real estate in such manner and at such rate of interest as may be agreed upon, not exceeding the rate allowed by law in the Provinces where the investment is made.



The objections above pointed out apply to this clause so far as it refers to the carrying on of business in a foreign city, and the power to invest at such rate of interest as may be agreed upon seems to be *ultra vires* of the Provincial Legislature, inasmuch as the subject of interest comes within the exclusive legislative authority of the Parliament of Canada, as, however, the existing law relating to interest in British Columbia appears to enable parties to agree upon any rate, and as the provision of this section confines the parties to any rate not exceeding the rate allowed by law in the Province, no inconvenience is likely to arise from this provision.

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*Extract from Report of the Minister of Justice :*

DEPARTMENT OF JUSTICE, OTTAWA, 21st February, 1878.

I have now the honor to report upon two Acts passed by the Legislature of British Columbia in the Session of 1877, which have not yet been reported upon, namely :

No. 22.—“ An Act to provide for the better administration of justice.”

This Act comes into operation only upon the proclamation of the Lieutenant-Governor in Council published in the *British Columbia Gazette*. It has not, so far as I can ascertain, been yet proclaimed.

It establishes County Courts for certain districts in the Province and provides by section 9, that each Court shall be holden before a Judge to be called the Judge of the County Court of (as the case may be). That each such Judge shall be appointed by the Governor General of Canada, and shall hold office during the pleasure of the Governor General.

Upon this provision I may remark that in other Provinces where County Court Judges have been appointed, the tenure of their office has been declared to be during good behavior, but in the present state of the County Courts in the Province of British Columbia, it is probably better that the Judges of the County Court should, as declared by this Act, hold office during the pleasure of the Governor General.

The only other provision of this Act which calls for special remark is Section 27, which is as follows, viz :—“ And whereas the Governor General of Canada on the 27th day of April, 1871, referred the question of retiring allowances of certain officers in British Columbia to the decision of Her Majesty's Secretary of State for the Colonies who, on the 30th June, 1871, gave his decision stating that the present incumbents of the County Court Bench should not be removed unless and until they received from the Dominion Government either suitable employment of at least equal value of an annual allowance of two-thirds of five hundred pounds. Therefore it is provided that the present incumbents of the County Court Bench shall not be removed except on the terms aforesaid for the purpose of appointing professional men.”

One of the provisions in the terms agreed upon for the Confederation of the Province of British Columbia, is as follows :—

“ Suitable provisions such as shall be approved of by Her Majesty's Government shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be affected by political changes in the admission of this Colony into the Dominion of Canada.”

It seems to be necessary to a proper understanding of the position of the present incumbents of the County Court Bench to refer to the documents connected with the question of retiring allowances of certain officers in British Columbia, including the County Court Judges, in respect of which communication was had with Her Majesty's Secretary of State for the Colonies.

On the 6th February, 1871, the Executive Council of the Province of British Columbia passed a minute which was transmitted to the Governor General of Canada by Governor Musgrave of British Columbia, by despatch of the 9th February, 1871.

This Minute of Council refers to the cases of

1. The Colonial Secretary.
2. The Attorney-General.
3. The Commissioner of Land and Works.
4. The Collector of Customs.
5. The Auditor-General.
6. The Six Stipendiary Magistrates.

And states "That the Committee gather that the Canadian Government are prepared to retain Nos. 3 to 6 in their present situations or similar ones."

The minute further states that "inasmuch as by the Minute of the Privy Council of Canada two-thirds of the present emoluments have been mentioned, the Committee would suggest that a sum exceeding two-thirds the actual salary of the officer should be fixed in order to compensate such officer for any other emoluments of which he might be deprived, namely :—

Colonial Secretary .....	£600	per annum.
Commissioner of Lands and Works.....	600	do
Collector of Customs.....	600	do
Six Stipendiary Magistrates .....	350	do
Auditor-General.....	350	do

On the 26th April, 1871, a Report from the Honorable the Minister of Finance, dated 24th April, 1871, upon the subject, was approved by the Governor General in Council, and the recommendations therein submitted adopted. This Report was made upon a despatch from Governor Musgrave, dated 9th February, 1871.

The Minister of Finance in his Report dealt with the case of the several officers in the employment of the British Columbia Government. As to the case of Stipendiary Magistrates, the Minister remarked: "It appears that no difficulty exists as to the Stipendiary Magistrates, who are to continue to serve at their present salaries." And in concluding his Report the Minister recommended that the papers and despatches bearing upon the subject should be transmitted to Her Majesty's Principal Secretary of State for the Colonies: "With a request that Her Majesty's Government will decide how the officers in British Columbia are to be dealt with under the 6th section of the Terms of Confederation with British Columbia."

On the 27th April, 1871, the Governor General accordingly transmitted to the Secretary of State for the Colonies the papers referred to, and on the 3rd June, 1871, the Secretary of State replied, and in reference to the Stipendiary Magistrates wrote as follows :—

"Your Privy Council remark that no difficulty appears to exist as to the Stipendiary Magistrates, who are to continue to serve at their present salaries. I understand from this that your Government concur in and accept the proposals of Governor Musgrave as contained in paragraphs 3 to 8 of his despatch No. 30, of 22nd November last, and that whenever, from any cause, any of them ceases to hold his present employment he will receive either suitable employment of at least equal value or an annual allowance of two-thirds of £500. I do not, however, consider that the Stipendiary Magistrates have the same claim as the other superior officers of the Government to the option of retiring at present upon a pension. I look upon them, to use Governor Musgrave's words, 'as a class apart,' whose position is not necessarily affected by political changes on the admission of British Columbia into the Union."

It will be observed that the recital in the section now under consideration as to the decision of the Secretary of State for the Colonies is inaccurate, and were the section, in providing "that the present incumbents of the County Court Bench should not be removed except on the terms aforesaid, for the purpose of appointing professional men," within the powers of the Provincial Legislature, the inaccuracy in the recital of the decision of the Secretary of State for the Colonies would be a sufficient reason for disallowing the Act were it not amended, but I am of opinion that the

enactment is *ultra vires* of the Provincial Legislature, inasmuch as it assumes to limit the power of the Dominion Government in respect of the retirement or removal of officers appointed, paid by, and holding office during the pleasure of the Government of Canada.

I say nothing as to the implied want of confidence in the good faith of the Dominion Government contained in the section, as it is unnecessary to deal with it upon that ground.

I recommend that the attention of the Lieutenant Governor be called to these remarks, and that he be asked to request his Government to promote at the present Session of the Legislature the repeal of the section.

I recommend further that unless the section be repealed before the time for disallowance of the Act expires, the Act be disallowed.

DEPARTMENT OF JUSTICE, OTTAWA, 15th May, 1878.

I have the honor to report :—

That by my Reports of the 29th September, 1877 and 21st February, 1878, respecting the Statutes passed by the Legislature of the Province of British Columbia in the year 1877, objections to certain Acts were taken and the attention of the Lieutenant Governor called thereto, with the request that the objections might be removed by repeal or amendment before the time for disallowance expired.

Not having received a copy of the Statutes passed by the Legislature of the Province during the Session which lately closed, and not having been informed by the Lieutenant Governor as to the action (if any) which had been taken with respect to the objectionable Acts, and the time for disallowance expiring on the 21st May, inst., the following telegram was transmitted by the Secretary of State to the Lieutenant Governor on the 30th April last, viz.:—

“Please state what action (if any) has been taken in reference to objections made to certain provisions of certain Statutes passed by your Legislature last year. Time for disallowance expires 22nd May. Reply first mail.”

“Nothing done towards repealing objectionable clause. Copy of Acts passed last Session mailed to you on the 24th ultimo. Have written.”

On the 8th May instant certified copies of the Statutes of British Columbia of last Session were received.

On examining them I find that with the exception of the following Acts, viz.:—

No. 22.—“An Act to provide for the better administration of justice.”

No. 32.—“An Act to incorporate the Alexandra Company, Limited.

No. 33.—“An Act to incorporate the British Columbia Insurance Company Limited,” all the objections to the Acts of 1877 have been removed by legislation.

The letter referred to by the Lieutenant-Governor in his telegram of the 2nd instant has not yet been received, and the time for action being so short, I think it imprudent to wait any longer as the Acts last referred to are very objectionable and exceed the powers of the Local Legislature, and must, in accordance with the suggestion contained in the approved reports upon them, be disallowed.

No great inconvenience will result from the disallowance of Act No. 22, inasmuch as it has not yet been brought into force; and the other two Acts, Nos. 32 and 33, being for the incorporation of private companies, it is not likely that much inconvenience will result from their disallowance, especially as many of the powers assumed to be conferred upon these companies, are already beyond the authority of a Local Legislature.

I recommend, therefore, that the Acts, viz.:—

No. 22.—“An Act to provide for the better administration of justice,”

No. 32.—“An Act to incorporate the Alexandra Company, Limited,”

No. 33.—“An Act to incorporate the British Columbia Insurance Company, Limited,”

passed by the Legislative Assembly of the Province of British Columbia, in the fortieth year of Her Majesty's Reign, A.D. 1877, be disallowed by Your Excellency in Council, and that the necessary proclamation in that behalf be issued.

Z. A. LASH, D. M. J.

I concur, R. L., M.J.

GOVERNMENT HOUSE, OTTAWA, Thursday, 16th day of May, 1878.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of British Columbia with the Legislative Assembly of that Province, did on the eighteenth day of April, 1877, pass the undermentioned Acts, which have been transmitted, intituled as follows, viz:—

“An Act to provide for the better administration of justice.”

“An Act to incorporate the Alexandra Company, Limited,” and

“An Act to incorporate the ‘British Columbia Insurance Company, Limited.’”

And, whereas, the said Acts have been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion, that it was not competent for the Legislature of the Province of British Columbia, to pass such Acts, and, therefore, recommending that the said Acts should not receive the confirmation of the Governor General;

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Acts, and the same are hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of British Columbia and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C. P. C.

I, Frederick Temple, Earl of Dufferin, Governor General of Canada, do hereby certify that the Acts passed by the Legislature of the Province of British Columbia, the eighteenth day of April, 1877, intituled:—

“An Act to provide for the better administration of justice.”

“An Act to incorporate the Alexandra Company, Limited,”

“An Act to incorporate the British Columbia Insurance Company, Limited,”

were received by me, on the twenty-second day of May, A.D., 1877.

Given under my hand and seal, this sixteenth day of May, 1878.

[L. S.]

DUFFERIN.

*EXTRACT from the Report of the Hon. The Minister of Justice, dated 2nd July, 1879.*

Cap 25.—“An Act relating to the Crown Lands in British Columbia.”

The provisions of this Statute are of a startling nature. The first section casts upon persons who had purchased Crown lands before the Act was passed, and upon persons who held leases or ferry charters, a liability never contemplated by them when the purchases or leases were made. The section declares that from and after the passing of the Act, all moneys due in respect of such purchases, leases or charters shall bear interest at twenty-four per cent. per annum until paid.

The second section empowers the Chief Commissioner of Lands and Works, without further notice to the purchaser of Crown lands than a mere notice in the *British Columbia Gazette*, to cancel “all or any records or agreements concerning such lands, and in such case the right of such person therein or thereto, and all money paid by him thereon shall be absolutely forfeited, and he shall have no further right at law or in equity to the land so partially paid for.”

If the whole subject matter of this Act were within the exclusive legislative control of the British Columbia Legislature, I would feel some difficulty in recommending that the Act be disallowed, merely because its provisions did not accord with my views of justice.

I recognize fully the importance of allowing the Local Legislature to be the Judges of the wisdom and expediency of any Act falling within their exclusive legislative authority.

This Act, however, seems to me to attempt to deal with a subject assigned by the B. N. A. Act exclusively to the Parliament of Canada, *viz.*:—The subject of interest. The case of Ross & Torrence. The City of Montreal, claimants, reported in Vol. 2 of the Montreal "Legal News," page 186, decides that a Statute of the Quebec Legislature (41 Vic., Cap. 27), which assumes to authorize the Corporation of Montreal by by-law to re-act an increase addition or penalty of ten per cent. on all arrears of assessments not paid within a certain day, is unconstitutional and void, as being beyond the powers of a Provincial Legislature. The Court held that the attempt to authorize the reaction of an "increase addition or penalty" was an interference with the subject of interest. The case referred to is a clear authority against the constitutionality of the Act now under consideration, and in view of the fact that the Government of the Province are not in the same position as a private individual would be under similar circumstances, and that the purchaser of Crown lands, or the holder of a lease or ferry charter, could not readily test the validity of the Act in the Courts as he could do were his opponent a subject whom he could bring into Court in an ordinary action. In view, also, of the nature of the Act itself, I have less hesitation in recommending its disallowance. I recommend, therefore, that the said Act, being Chapter twenty-five of the Statutes of British Columbia, passed in the forty-second year of Her Majesty's reign (A. D. 1878), and intituled: "An Act relating to the Crown lands in British Columbia," be disallowed.

GOVERNMENT HOUSE, OTTAWA, Friday, 22nd day of August, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that Province, did, on the 2nd day of September, 1878, pass an Act, Cap. 25, intituled:—

"An Act relating to the Crown Lands in British Columbia."

And whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature of the Province of British Columbia to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General.

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Sir John Douglass Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, the 2nd day of September, 1878, Cap. 25, intituled: "An Act relating to the Crown Lands in British Columbia," was received by me on the 5th day of October, 1878.

Given under my hand and seal this twenty-second day of August, 1879.

[L.S.]

LORNE.

EXTRACT from a Report of the Minister of Justice of 15th August, 1879.

\* \* \* \* \*  
35.—“ An Act to provide for the better collection of Provincial Taxes from Chinese.”

This Act has been held by the Supreme Court of British Columbia to be unconstitutional and void. The judgment has not been appealed from and must be taken to be the law. As it is clearly the duty of this Government not to allow an Act of this nature, which has been declared by the Court to be *ultra vires*, to remain on the Statute Book, I think it should be formally disallowed. I recommend, therefore, that the Act of the Province of British Columbia, passed in the forty-second year of Her Majesty's reign (A.D. 1878) chapter thirty-five and intituled: “ An Act for the better collection of Provincial Taxes from Chinese,” be disallowed.

GOVERNMENT HOUSE, OTTAWA, Friday, 23rd day of August, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of British Columbia with the Legislative Assembly of that Province did, on the 2nd day of September, 1878, pass an Act, Cap. 35, intituled: “ An Act to provide for the better collection of Provincial taxes from Chinese; ”

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice setting forth that he is of opinion that it was not competent for the Legislature of the Province of British Columbia to pass such Act, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General ;

His Excellency the Governor General, has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C. P. C.

I, Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of British Columbia, the 2nd day of September, 1878, Cap. 35, intituled: “ An Act to provide for the better collection of Provincial taxes from Chinese,” was received by me on the 17th day of September, 1878.

Given under my hand and seal this 22nd day of August, 1879.

[L.S.]

LORNE.

DEPARTMENT OF JUSTICE, OTTAWA, 24th September, 1879.

I have now the honor to report upon the Act passed by the Legislature of British Columbia in the year 1878, intituled:—

An Act to amend the “ Cariboo Waggon Road Tolls Act, 18.6.”

The Act is as follows:—

“ Section 2 of the “ Cariboo Waggon Road Tolls Act 1876 ’ shall be and the same is hereby repealed, and in lieu thereof the following shall be substituted:—

“ There shall be levied and paid from and after the passing of this Act unto and to the use of Her Majesty, her heirs and successors, from all persons whomsoever by way of toll the sums following, that is to say:—

"For every pound avoirdupois of goods, merchandise, stores, productions and chattels, other than those hereinafter excepted, which shall respectively be carried from Yale in the direction of Cariboo, the sum of one cent."

2. Provided that all plant and material used in the construction of the Canadian Pacific Railway shall be exempted from such toll under and subject to such regulations as the Lieutenant-Governor in Council may prescribe.

3. This Act may be cited as the "Cariboo Waggon Road Tolls Amendment Act 1878."

Section 2 of the Cariboo Waggon Road Tolls Act, 1876, repealed by the Act now under consideration is as follows:—

"There shall be levied and paid from and after the fifteenth day of May, next, unto and to the use of Her Majesty, her heirs and successors, from all persons whomsoever by way of toll, the sums following, that is to say:—

"For every pound, avoirdupois, of goods, merchandize, stores, productions and chattels, other than those hereinafter excepted, which shall respectively be carried over or across the Alexandria Suspension Bridge, or over or across the Fraser River, within a distance of ten miles above and ten miles below the said bridge, the sum of half a cent."

"For every pound, avoirdupois, of goods, merchandize stores, productions and chattels, other than those hereinafter excepted which shall respectively be carried from Clinton, in the direction of Cariboo, the sum of half a cent."

And Section 3 of that Act, which has not been repealed, is as follows:—

"Provided that no tolls shall be demanded of, or from, or paid by any person in respect of mining machinery, farming implements, wheat, beans, peas, barley and grain of all kinds, hay, roots, vegetables and other agricultural produce, the growth of the Province, and all flour and meal manufactured in this Province from wheat, beans, peas, oats, barley and grain of all kinds grown in the Province, and all cattle and all articles and things coming in the direction of the seaboard from the interior of the Province, whether intended for export or home consumption, for the purposes of manufacture in the Province, or any other purpose whatsoever."

The Minister of Justice, Mr. Blake, in reporting upon the Act passed in 1876, after referring to its provisions and to the provisions of the Act repealed by it, makes use of the following language:—

"It is obvious, therefore, that the Act now under consideration is in furtherance of a policy which has been pursued in British Columbia for several years,—but the undersigned feels it his duty to call the attention of Council to this legislation, which, in effect places upon the consumers of imported goods, the chief burden of maintaining the public roads which are established as well for the transport of articles of home productions."

"The undersigned does not recommend the disallowance of this Act, but he must point out that its principle might be so extended as to render it necessary to consider the question whether such legislation does not trench on the regulation of trade and commerce."

It will be observed that the section repealed imposes a tax upon such goods only as were carried over or across the Alexandria Suspension Bridge, or over or across the Fraser River within a certain distance of that bridge, or which are carried from Clinton in the direction of Cariboo, the toll being but one-half cent. per pound; whereas, the Act now under consideration, imposes a toll of one cent. per pound upon goods carried from Yale in the direction of Cariboo.

I have the honor to submit that the question raised by the Minister of Justice in his Report upon the Act, 1876, namely:—Whether this Act does not trench on the regulation of trade and commerce to an injurious degree should now be considered by Council.

Should Council determine that the Act should not be disallowed by reason of being an interference with the regulation of trade and commerce, another serious question with reference thereto should be considered.

It will be observed that the Act exempts only the plant and material used in the construction of the Canadian Pacific Railway, under and subject to such regulations as the Lieutenant Governor in Council may prescribe.

Contractors supplies, &c., &c. are not exempt.

When this Bill was first introduced it did not contain the exemption clause now in it, and on the 9th August, 1878, Mr. John Robson, Paymaster and Purveyor of Canadian Pacific Railway Survey, addressed to the Hon. G. A. Walkem, Attorney-General of British Columbia, the following communication:—

“CANADIAN PACIFIC RAILWAY SURVEY, WESTERN DIVISION,  
“VICTORIA, B.C., 9th August, 1878.

“DEAR SIR,—In looking over the ‘Cariboo Waggon Road Tolls Amendment Act 1878,’ (which I saw for the first time to-day) and construing it with the principal Act, it appears to me that its provisions are likely seriously to affect the railway interests of the country.

“According to the railway policy of the Dominion Government, the work of construction will be commenced at Yale next summer and continued upwards thence through the Canyons of the Fraser. It appears to me, railway materials and supplies, machinery and appliances essential to railway construction passing out of Yale to any point beyond the toll-gate, would be liable to the toll imposed by the above recited Act.

“When it is mentioned that work—and the heaviest part of the work—is intended to be commenced almost immediately beyond the toll-gate, it must be seen at once that such an impost meeting railway construction at the very threshold cannot fail seriously to operate against it,—if indeed it would not render such works practically impossible.

“Respectfully submitting the matter to your consideration, I beg to request that, should the assumption that the toll in question would apply to railway material, &c., be correct, you will be good enough to have a provision inserted in Act exempting such railway material, &c.

“I have, &c.,

“JOHN ROBSON, Paymaster and Purveyor, C.P.R.S.”

To which the following reply was received:—

August 11th, 1878.

“In reply to your letter of the 9th inst., recommending the inconvenience of applying the Road Tolls Act to railway plant or material passing the Yale toll gate, I have to assure you that whenever construction is commenced the Government will afford every facility for its being carried on expeditiously, and, as far as they are concerned, as cheaply as possible, arrangements just to Dominion and Province can then be made.”

On the 13th August, Mr. Robson addressed to Mr. Walkem the following:—

“I have the honor to acknowledge the receipt of your letter of Sunday last, replying to mine of the 9th inst., and I regret that its contents do not appear to be altogether satisfactory.

“It is known to be the intention of the Dominion Government to place a section of that portion of the Canadian Pacific Railway lying within British Columbia, under contract as soon as possible after Parliament meets next February, and, with that view, it is proposed to seek tenders for the same before the present year is out. Should the Act under discussion become law meanwhile, it is obvious that it must exert a most serious influence upon the tenders, inasmuch as intending contractors would undoubtedly make allowance for the toll in question, in estimating the value of the work; and it seems scarcely necessary that a toll of one cent a pound on all the railway plant and supplies necessary for such heavy works as are contemplated must amount to something enormous; nor does it seem to be just, seeing only a very short portion indeed of the road in respect of which it is proposed to levy the toll will be used in transporting such material.



"I beg, therefore, most respectfully to submit that however willing your Government might be to meet the Dominion Government in a fair and liberal spirit, 'whenever construction is commenced,' the remedy would come too late, as the tenders would have been sent in and the contract awarded at the greatly increased price, or what is far more likely to happen, the tenders would be rejected on account of undue appreciation in prices thus occasioned, and instead of the Province 'making a haul,' out of the Dominion, its interests and revenues would suffer on account of consequent delay in railway construction."

"I would, therefore, respectfully but most earnestly repeat the suggestion that a provision be yet inserted in the Act referred to, exempting materials and supplies used in railway construction.

"I have the honor to be, Sir, your obedient servant,

"JNO. ROBSON, Paymaster and Purveyor, C.P.R.S."

On the 17th August copies of the correspondence with Mr. Walkem was sent by Mr. Robson to the Department of Public Works, and on the 4th September Mr. Robson wrote to the Department of Public Works, as follows:—

"Adverting to my letter of the 17th ult. referring to a Bill passed through the Provincial Legislature, and enclosing correspondence between the Hon. Mr. Walkem and myself there-ent, I have further to report that the point contended for was subsequently conceded and the Bill sent back to the House for insertion of exemption clause."

"I now beg to point out what appears to me objectionable features of the amended Bill, a copy of which is enclosed herewith."

"I. The exemption is only partial, not including supplies employed and consumed in railway construction, a toll of twenty dollars a ton on which seems not only enormous but unjust when it is considered that railway works to the value of several millions will have to be constructed almost within the shadow of the toll gate. It seems impossible to doubt that such an impost will exert a serious influence upon the tenders for the work."

"II. It will be observed that the modicum of relief given in the Act is made contingent on a revocable Order in Council—rather insecure ground it is to be apprehended for contractors to go upon in tendering for the work."

"There seems reason to fear that the measure under consideration is calculated to operate very prejudicially as against railway construction in the particular locality referred to, by causing the tenders now invited to be much higher than they would otherwise be, and it may, therefore be matter for consideration whether the Dominion Government would not be justified in disallowing the Act in question."

And on the 18th October, 1878, Mr. Robson wrote as follows:—

"I have the honor to acknowledge your letter of the 28th ult., and to report thereon as follows:—

"The fact that the words 'and supplies' had been erased from the exemption clause when it came before the Legislature, taken in connection with the further fact that the point was fully discussed in the House and a decision arrived at not to exempt supplies," affords the most conclusive evidence that the words used in the Act referred to are not intended to cover supplies of all descriptions.

"A reference to files of the Victoria newspapers will sufficiently establish the above mentioned facts."

In my opinion supplies or articles of food, &c., for the use of those engaged in the construction of the Canadian Pacific Railway, do not come within the exemption clause of the Act.

I have the honor to recommend that for the two reasons above referred to viz. :—

(1.) The interference with the regulation of trade and commerce, and,  
 (2.) The possible imposition of unfair charges upon the Dominion Exchequer, the said Act passed by the Legislature of British Columbia, and intituled:—

"An Act to amend the Cariboo Waggon Road Tolls Act, 1876" be disallowed.

"JAS. McDONALD, Minister of Justice.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 2nd October, 1879.

On the recommendation of the Honorable the Minister of Justice, and for the reasons set forth in his Report, dated 24th September, 1879, the Committee advise that the Act passed by the Legislature of the Province of British Columbia, in the year 1878, intituled: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876," be disallowed, and that a copy of this Minute when approved, and of the Report of the Minister of Justice above alluded to, be transmitted to the Lieutenant-Governor of British Columbia.

W. A. HIMSWORTH, C. P. C.

EXTRACT from Report of the Minister of Justice, of 27th July, 1881.

\* \* \* \* \*

Cap. twenty-eight, intituled: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876" is precisely the same as the Act passed by the Legislature of British Columbia, with the same title in the year 1878, and which was disallowed upon the recommendation of the Minister of Justice, and for the reasons set forth in his Report to Council, dated 24th September, 1879. A copy of that report has already been submitted to the Lieutenant Governor of the Province. The reasons for the disallowance of the previous Act apply to the present one, which should, I think, also be disallowed. Chapter twenty-nine is intituled: "An Act respecting Tolls on the Cariboo Waggon Road," and is as follows:—

"1. Notwithstanding any Act to the contrary, there shall be levied and paid unto and to the use of Her Majesty, her heirs and successors, from all persons whomsoever by way of toll upon every pound avoirdupois of rice, carried from Yale in the direction of Cariboo, a sum of two cents per pound in lieu of one cent per pound.

"2. This Act shall not come into force until a day fixed by proclamation by the Lieutenant Governor."

The reasons for the disallowance of the above mentioned Act apply also to this one, which I think should also be disallowed. I therefore recommend that the Acts passed by the legislature of British Columbia in the year 1880, chaptered twenty-eight and twenty-nine, intituled: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876," and "An Act respecting Tolls on the Cariboo Waggon Road" be disallowed.

A. CAMPBELL, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Friday, 29th day of July, 1881.

Present :

THE HONORABLE SIR WILLIAM JOHNSTON RITCHIE, Deputy of the Governor General in Council.

Whereas the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of that Province, did, on the 8th day of May, 1880, pass two Acts, which have been transmitted, intituled respectively: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876," and "An Act respecting Tolls on the Cariboo Waggon Road;"

And whereas the said Acts have been laid before the Deputy of the Governor General in Council, together with a Report from the Minister of Justice, recommending that the said Acts should be disallowed;

The Honorable the Deputy of His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Privy Council for Canada, to declare his disallowance of the said Acts, and the same are disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

J. O. COTÉ, C. P. C.

I, Sir William Johnston Ritchie, Deputy of the Governor General of Canada, do hereby certify that the Acts, passed by the Legislature of British Columbia, the 8th day of May, 1880, intituled respectively: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876." and "An Act respecting Tolls on the Cariboo Waggon Road," were received by His Excellency the Governor General, on the 10th day of August, 1880.

Given under my hand and seal this 29th day of July, A.D. 1881.

[L.S.]

W. J. RITCHIE, Deputy-Governor.

## RETURN

(141a)

To an ORDER of the HOUSE OF COMMONS, dated 15th February, 1882;—For Copies of all Correspondence, Petitions, Reports and Orders in Council relating to Acts of Provincial Legislatures or Reserved Bills of Provincial Legislatures, not already asked for by Address or Order of this House.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
4th April, 1882.

*Secretary of State.*

*REPORTS of the Minister of Justice, Orders in Council and Correspondence relating to the Acts of the Legislature of the Province of Ontario.*

DEPARTMENT OF JUSTICE, Ottawa, 23rd March, 1877.

Upon certain Statutes of the Legislature of Ontario passed in the Session thereof held in the year 1875-76, 39th Victoria, and reported upon by me on the 13th October, 1876, I have to report further that with reference to the objections raised to Chapters 77, 79, 92 and 93 of these Statutes, provision has been made as appears by the letter of the Provincial Secretary of Ontario to the Secretary of State of the 20th March, instant, so far obviating the objections that it is fit that these Statutes should be left to their operation, and I recommend accordingly.

Upon Cap. 23 of same Statutes, intituled: "An Act respecting Insurance Companies, on which I have not as yet reported, I beg to report that this Act seems open to the objection which was taken to the Acts above mentioned incorporating Insurance Companies, but that as appears by the despatch already referred to, this objection has been so far obviated that it is fit that the Act should be left to its operation, and I recommend accordingly.

EDWARD BLAKE.

## DEPARTMENT OF JUSTICE, 3rd October 1877.

I beg to report upon the Acts passed by the Legislature of the Province of Ontario, in the 40th year of Her Majesty's reign, being the year 1877, received by the Secretary of State on the 24th day of March, 1877, as follows:—

Cap. 1. "An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year 1877, and to provide for certain sums expended for the public service in the year 1875."

Cap. 2.—"An Act to amend and repeal certain enactments of the last Session of the Legislature of this Province."

To these Acts there appears to be no objection, and I recommend that they be left to their operation.

Cap. 3.—"An Act to amend the law respecting Escheats and Forfeitures."

As the provisions of this Act appear to conform with the conclusion upon the subject of escheats and forfeitures arrived at by Council, dated 25th October, 1876, I recommend that it be left to its operation.

Cap. 4.—"An Act respecting the administration of estates of intestates dying without known relatives in Ontario."

This Act provides for the obtaining by the Attorney-General of the Province of letters of administration to the estates of persons who die in the Province intestate, either in whole or in part, and without leaving any known relatives who can be readily communicated with, living elsewhere.

The third section provides that, when administration is granted to the Attorney-General, the Lieutenant-Governor in Council may direct the sale of any real estate to which the intestate died entitled, and the said Attorney-General shall thereupon be authorized to sell such real estate and convey the same to the purchaser.

There appears to be nothing which limits this section to real estate suitable in the Province.

The powers of the Local Legislature would not appear to extend to authorize the sale of real estate outside of the Province in such a case.

I recommend that the attention of the Lieutenant-Governor be called to these remarks.

Cap. 5.—"An Act respecting references to the Supreme Court of Canada and the Exchequer Court of Canada, in certain cases."

There appears to be no objection to this Act, and I recommend that it be left to its operation.

Cap. 6.—"An Act respecting the Revised Statutes of Ontario."

This Act recites that it has been found expedient to revise, classify and consolidate the Public General Statutes, which apply to the Province of Ontario and are within the legislative authority of the Legislature of Ontario;

That such revision, classification and consolidation have been made accordingly, and it declares that a certain printed roll marked "X" and attested as that of the said Statutes so revised, classified and consolidated as aforesaid under the signature of the Lieutenant-Governor and Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Assembly, shall be held to be the original thereof.

The second section provides for the incorporation into the roll of such Acts passed during the then present Session as may be thought advisable; and the fifth section provides that the Lieutenant Governor may, by proclamation, declare the day on, from and after which the same shall come into force and have effect as law, by the designation of the Revised Statutes of Ontario; and the sixth section provides that on, from and after such day the same shall accordingly come into force and effect.

The seventh section provides that the repeal of certain enactments mentioned in the schedule annexed to the roll, shall not be construed as intended to extend to such of the provisions as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation.

As the recital refers to the Revised Statutes as a classification and consolidation of the Public General Statutes, which apply to the Province and are within the legislative authority of the Legislature of Ontario, and as the repeal of any enactments is limited as above mentioned, and as the original roll which by proclamation is to come into force, is deposited in the office of the clerk of the Legislative Assembly, and therefore not readily accessible, I do not think it necessary to examine critically such roll. I therefore recommend that this Act be left to its operation.

Cap. 7.—“An Act to provide for certain amendments and additions to the Statutes of the Province, as consolidated by the Commissioners appointed for that purpose.”

This Act appears unobjectionable, and I recommend that it be left to its operation.

Cap. 8.—“An Act to provide for certain amendments of the law.”

Section 72 is as follows:—

“Notwithstanding anything contained in section eight of the Temperance Act of 1864, every such prohibitory by-law as therein mentioned, whether heretofore or hereafter passed shall come into force from the first day of May next after the final passing thereof, but this provision shall not affect any question as to the validity of any by-law heretofore passed, or the time at which any by-law which may be voted on the first day of May next shall go into effect.”

Sections 76, 77 and 78 place certain restrictions as to the issue of licenses for the sale of liquor. As mentioned in previous reports the question as to how far the authority of the Local Legislature in respect of restrictions upon the sale of liquor extends, is now before the courts. I therefore merely call attention to these provisions, but recommend that the Act be left to its operation.

Cap. 9.—“An Act to give the right of voting to farmers sons in certain cases.”

Cap. 10.—“An Act to amend the Acts relating to the election of members of the Legislative Assembly.”

Cap. 11.—“An Act to amend the Act passed in the thirty-eighth year of Her Majesty's Reign, respecting the adjustment of the representation in the Legislative Assembly.”

Cap. 12.—“An Act to extend the Voters' Lists Act of 1876, to Municipal Elections, and otherwise to amend the said Act.”

Cap. 13.—“An Act respecting payments to unorganized Townships or parts of Districts under the Municipal Loan Fund Scheme.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 14.—“An Act respecting Aid to certain Railways and the creation of a Railway Land Subsidy Fund.”

Among other railway companies aided by this Act is the Montreal and City of Ottawa Junction Railway Company, which, from the boundary line between Ontario and Quebec to or near the city of Ottawa, a distance of about sixty-six miles, is to be aided at a certain rate per mile.

The eighth sub-section of Section 3 provides that in order to secure the continuous running of the railways aided by this Act, the iron or steel rails laid from time to time by any of the said railways are not to be removed by the company, or by the authority of the company, without the consent of the Lieutenant-Governor in Council, obtained on the recommendation of the Commissioner of Public Works.

This enactment appears wide enough to include the iron and steel rails which may have been laid by the Montreal and City of Ottawa Junction Railway Company on that part of the line outside of the Province of Ontario, over which the Local Legislature has no control. It is doubtful also whether that Company would be bound by the enactment just mentioned. Inasmuch, however, as a compliance with such enactment may be considered necessary to entitle the Company to the aid mentioned, the Act may, I think, be left to its operation.

Cap. 15.—“An Act respecting ‘The Free Grants and Homestead Act of 1863.’”

Cap. 16.—“An Act to amend the several Acts respecting the Education Department, Public and High Schools, and the University of Toronto.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 17.—“An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.”

Section 15, amongst other things, provides that if any person wilfully injures or destroys any property within the Exhibition grounds of the Agricultural and Arts Association, or of any Agricultural or Horticultural Society, he shall be liable to a fine, which is to be paid over to the association or society for its use and benefit.

This provision seems to intrench upon the Criminal Law respecting malicious injuries to property.

I recommend that the attention of the Lieutenant-Governor be called to this section.

Cap. 18.—“An Act to amend the Acts respecting the sale of Fermented or Spirituous Liquors.”

The remarks above are made as to the power of the Local Legislature to deal with the subject apply to this Act.

I beg to call attention to the use of the word “offence” in the 16th, 18th, 19th, 20th, 21st, 22nd and 23rd sections.

The objections to the use of this word in describing a violation of a provincial law were printed on previous occasions.

I recommend that the attention of the Lieutenant-Governor be again called to the matter.

Cap. 19.—“An Act respecting the County Court and General Sessions of the Peace and Surrogate Court of the County of York.”

Cap. 20.—“An Act respecting Constables.”

Cap. 21.—“An Act to amend the Act respecting Mortgages and Sales of Personal Property.”

Cap. 22.—“An Act to amend the Act respecting Permanent Building Societies.”

Cap. 23.—“An Act to amend the Act respecting Dentistry.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 24.—“An Act respecting the Territorial and Temporary Judicial Districts of the Province and Provincial County of Haliburton.”

The 9th and 10th sections of this Act appear to be the only ones requiring special mention, and as an important constitutional question is involved, I feel called upon to make some remarks upon them.

The 9th section repeals certain provisions of the respective Acts regarding the Territorial District of Muskoka and Parry Sound and Thunder Bay, relating to the jurisdiction and powers of the Stipendiary Magistrate as Judge of the District or Division Court, and substitutes in each of such Acts the following:—

“The Stipendiary Magistrate shall act as Division Court Judge of the District, and shall have the like jurisdiction and powers as are possessed by the County Court Judges in Division Courts in counties, and shall perform the like duties; and the provisions of law, from time to time, in force in Ontario, relating to Division Courts in Counties and the officers thereof including the rules or forms made, or to be made by the Board of County Judges and the fees payable to the Clerks and Bailiffs shall apply to the Division Courts of the said District, except where inconsistent with this Act.”

Were this the first enactment of a similar nature passed by a Provincial Legislature I would hesitate long before recommending that it should be left to its operation, as it appears to intrench upon the powers conferred upon the Governor General of Canada by the 96th section of the British North America Act, 1867, which section is as follows:—

“The Governor General shall appoint the Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate of Nova Scotia and New Brunswick.”

Inasmuch, however, as Provincial legislation has been previously left to its operation, whereby certain judicial powers in civil matters have been conferred upon Stipendiary Magistrates, and whereby Courts presided over by Stipendiary Magistrates, and having, in effect, the powers of the Division Courts of Ontario have been constituted, I do not feel at liberty to object to the provision of the present Act, provided the jurisdiction conferred by the former legislation upon the subject which has been left to its operation has not in effect been substantially extended.

In a Report dated 29th September last, upon the Acts of last Session of the Legislature of British Columbia, I had occasion to remark at some length upon legislation of a nature similar to that now under consideration, and I then pointed out the danger which might ensue from this class of legislation.

I refer to that Report.

The Act 31st Vic., 1868, Ontario, Cap. 35, which was passed to provide for the organization of the Territorial District of Muskoka, and under which the Stipendiary Magistrate of that District was appointed, declared that certain provisions of Cap. 128 of the Consolidated Statutes of Upper Canada, intituled: "An Act respecting the administration of justice in unorganized tracts," should extend and apply to said District of Muskoka.

Similar provisions are contained in the Act 33 Vict. (1869), Ontario, Cap. 24, which provides for the organization of the territorial District of Parry Sound, and in the Act 34 Vict. (1871), Ontario, Cap. 4, which provides for the organization of the territorial District of Thunder Bay.

The provisions of the Act of the Consolidated Statutes thus made applicable to these territorial Districts in effect provided for the holding of a Court of Civil Jurisdiction in each District, under the name and style of the First (or other, as the case may be), Division Court for the District of, &c., over which the Stipendiary Magistrate should preside, and be the sole Judge in all actions brought in such Division Court, and determine all questions, as well of fact as of law, in relation thereto in a summary manner, with power, should he think fit, to summon a jury of five persons to try the fact controverted in a case.

For every such Court provision is made for an appointment of a clerk and one or more bailiffs.

The jurisdiction of the Court is declared to be over all personal actions, save certain excepted ones, where the debt or damages claimed is not more than \$100. Each Court is to have a seal, with which all summonses and other processes shall be sealed or stamped.

Suits are to be commenced by summons to the defendant, issued by the clerk, containing the particulars of the plaintiff's demand.

Provision is made for the subpoenaing of witnesses. That the judgment of the Court, with certain exceptions, to be final and conclusive. Provisions are made for the enforcement of the judgments by execution. Proceedings and suits against absconding debtors are provided for.

The Magistrate is given jurisdiction on the consent of the parties to try and determine cases up to \$800 in amount.

In addition to the Act in the Consolidated Statutes, above referred to, which has been made applicable to the three districts mentioned, certain provisions of the Act respecting Division Courts being Cap. 19 of the Consolidated Statutes of Upper Canada, and of the Act to amend the Acts respecting Division Courts being Cap. 23 of 32 Vic. (1868-9) Ontario, are made applicable to the Districts of Parry Sound and Thunder Bay. The provisions of the Act respecting Division Courts referred to relate to examination of judgment debtors, claims of landlords to goods seized in execution.

The provisions of the Act 32 Vic. (1868-9), Ontario, amending the Acts respecting Division Courts, provide that all judgments in the Division Courts shall have and continue to have the same force and effect as judgments of Courts of Record.

Provisions are made for the entry of final judgment by the clerk when the claim is not disputed and proceedings for the garnishment of debts are provided for. It

will be thus seen that the jurisdiction of the Courts presided over by the Stipendiary Magistrates of the three Districts above mentioned was before the passing of the Act now under consideration, practically as extensive as the jurisdiction of the various Division Courts in the Province, and in some cases was more extensive.

The present Act does not, therefore, seem to extend, to any substantial extent, the jurisdiction previously possessed by those Courts.

The section now under consideration, however, not only declares that the Stipendiary Magistrate as Division Court Judge shall have the like jurisdiction and powers as are now possessed by the County Court Judges in Division Courts in counties, but goes on to provide that the provisions of law, from time to time in force in Ontario, relating to the Division Courts in counties and officers thereof, &c., shall apply to the Division Courts of these districts. This provision is, I think, objectionable, inasmuch as although it may be quite within the Legislature of Ontario to increase the jurisdiction of the Division Courts in counties, as such Courts are now presided over by Judges appointed by the Dominion, yet their jurisdiction might be increased to an extent that might be objectionable in the case of these District Division Courts, the Judges of which are appointed by Ontario. Were the section limited in its operation to the jurisdiction and power, &c., of the County Court Judges in Division Courts and counties as now existing, I should not, for the reasons above mentioned, recommend any interference with the Act. I recommend, however, that the attention of the Lieutenant-Governor be called to the objection referred to with a request that his Government may promote, at the next Session and before the time expires for determining as to the disallowance of the Act, amendatory legislation.

Among the provisions of the Act, relating to Division Courts which by the section under consideration are made applicable to the Courts of the Districts referred to, are certain provisions which appear to be beyond the legislative authority of the Local Legislature inasmuch as they seem to form part of the Criminal Law.

I refer to Section 48, which declares that any person wrongfully holding or getting possession of accounts, money, books, &c., in the possession of the clerk, shall be guilty of a misdemeanor. To Section 105, which provides for that, in case any person in any examination wilfully and corruptly gives evidence or wilfully swears, or affirms falsely, he shall be liable to the penalties of wilful and corrupt perjury. To Section 181, which declares that every person who forges the seal or any process of the Court or who serves or enforces any such forged process, knowing the same to be forged, &c., shall be guilty of felony. To Section 184, which provides that, if any officer or bailiff be assaulted while in the execution of his duty; or if any rescue be made or attempted of any property seized, &c., the person so offending shall be liable to a certain fine.

I recommend that the attention of the Lieutenant-Governor be called to these matters.

Section 10 repeals certain provisions of Cap. 123 of the Consolidated Statutes of Upper Canada, intituled: "An Act respecting the administration of justice in unorganized tracts," and substitutes in lieu the following:—

The Stipendiary Magistrate of every Temporary Judicial District shall act as Division Court Judge of the District, and shall have the like jurisdiction and powers as are possessed by County Court Judges in Division Courts in Counties, and shall perform the like duties, and the provisions of law from time to time in force in Ontario, relating to Division Courts in Counties, and the officers thereof, including the rules or forms made or to be made by the Board of County Judges, and the fees payable to the Clerks and Bailiffs shall extend to the Division Courts of Temporary Judicial Districts, except where inconsistent with this Act; provided that the provisions of law authorizing the signing of judgment by default for want of a notice disputing the plaintiff's claim or authorizing the garnishment of debts or money demands, shall not apply to the said Division Courts.

The remark I have made upon section 9 apply equally to this section. I recommend that a similar course be pursued with reference to it.



By some of the sections which are so repealed, provisions are made which appear to form part of the Criminal Law, and as such, are beyond the legislative authority to the Local Legislature. The sections I refer to are 17, which declares that certain persons unlawfully holding or getting possession of certain books, papers, &c., shall be guilty of a misdemeanor. Section 29 relating to the forging of the seal or process of the Court, &c. Section 80, relating to assault of an officer or bailiff of the Court while in the execution of his duty or rescuing the goods seized, &c.

I recommend that the attention of the Lieutenant-Governor be called to these remarks.

Cap. 25.—“An Act to amend the Act entitled, ‘An Act respecting Municipal Institutions in the Province of Ontario.’”

Cap. 26.—“An Act respecting the drainage of certain lands by Municipalities, and to amend an Act respecting Municipal Institutions in the Province of Ontario.”

Cap. 27.—“An Act to amend the Assessment Act of 1869.”

Cap. 28.—“An Act to further amend the Assessment Acts.”

Cap. 29.—“An Act to amend the Act respecting Line Fences.”

Cap. 30.—“An Act to apply the Municipal Law to certain Townships in the District of Nipissing.”

Cap. 31.—“An Act respecting the Municipality of Shuniah.”

Cap. 32.—“An Act respecting the Municipality of Sault Ste. Marie.”

Cap. 33.—“An Act for the incorporation of the Town of Belleville as a City, and for the consolidation of the debt thereof.”

Cap. 34.—“An Act to incorporate the City of Brantford.”

Cap. 35.—“An Act to extend and define the limits of the Town of Orillia.”

Cap. 36.—“An Act respecting the Village of Port Elgin.”

Cap. 37.—“An Act to amend the Waterworks Acts of the City of Ottawa.”

Cap. 38.—“An Act to provide for the erection of a Court House in the City of Hamilton.”

Cap. 39.—“An Act respecting the City of Toronto, the Toronto Waterworks and other matters.”

Cap. 40.—“An Act to legalize a certain By-law and certain debentures of the City of Toronto.”

Cap. 41.—“An Act to legalize a By-law of the County of Simcoe.”

Cap. 42.—“An Act respecting By-law No. 240, of the Town of Windsor.

Cap. 43.—“An Act to consolidate the debt of the Port Hope Harbor.

Cap. 44.—“An Act to enable the Corporation of Cobourg to aid a certain Manufacturing Establishment.”

Cap. 45.—“An Act to authorize the Town of Dundas to pass a By-law exempting the Canada Screw Company from taxes.”

Cap. 46.—“An Act to empower the Council of the Municipality of the Township of Adelaide to sell certain Lands.”

Cap. 47.—“An Act to alter and amend the Survey of the Lands of the Canada Company in the Townships of Bosanquet and McGillivray.”

Cap. 48.—“An Act to Legalize a Survey in the Township of Matilda.”

Cap. 49.—“An Act relating to St. Mark’s Church, Niagara.

Cap. 50.—“An Act respecting St. John’s Church, Iroquois.

Cap. 51.—“An Act respecting St. Paul’s Church, in the Village of Almonte.”

Cap. 52.—“An Act respecting St. Paul’s Church, Newmarket.

Cap. 53.—“An Act respecting St. Paul’s Church, Toronto.”

Cap. 54.—“An Act respecting the Church of St. Alban the Martyr in Ottawa.”

Cap. 55.—“An Act to enable the Synod of Niagara to sell Lands in Arthur.”

Cap. 56.—“An Act to authorize the Synod of the Diocese of Huron to sell certain Lands in the Township of Warwick.”

Cap. 57.—“An Act respecting the Presbyterian Church at Orillia.”

Cap. 58.—“An Act respecting the Roman Catholic Episcopal Corporation of the Diocese of Hamilton.”

Cap. 59.—“An Act to incorporate the William Hall Peterborough Protestant Poor Trust.”

Cap. 60.—“An Act for the incorporation of the Conference of the Christian Church in Ontario.”

Cap. 61.—“An Act to incorporate the Ontario Missionary Society of the Methodist Episcopal Church in Canada.”

Cap. 62.—“An Act to amend the Act incorporating the Upper Canada Bible Society.”

Cap. 63.—“An Act to amend the Act of incorporation of the Canadian Literary Institute of Woodstock.”

Cap. 64.—“An Act to incorporate Alma College at St. Thomas.

Cap. 65.—“An Act to incorporate Trinity Medical School.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 66.—“An Act to incorporate the Standard Fire Insurance Company.”

Although the first section incorporates this Company for the purpose of carrying on the business of fire insurance and doing all things appertaining thereto, in the Province of Ontario, the 18th section empowers the Company to effect contracts of insurance with any person or persons against loss or damage by fire or lightning on any house, store or any building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, and generally to do all matters and things relating to or connected with fire insurance as aforesaid.

It may be that the limitation to the Province of Ontario, contained in the first section, will extend to the general provisions of the 18th section. It cannot, however, be said to be free from doubt.

I recommend that the attention of the Lieutenant-Governor be called to this section.

Cap. 67.—“An Act to incorporate the People's Gas Company.”

Cap. 68.—“An Act to incorporate the Industrial Exhibition Company.”

Cap. 69.—“An Act respecting the Bothwell (C. W.) Land and Petroleum Company (Limited).”

Cap. 70.—“An Act respecting the Pickering Harbor and Road Joint Stock Company.”

Cap. 71.—“An Act respecting the Peel General Manufacturing Company.”

Cap. 72.—“An Act to incorporate the Leamington, Comber and Lake St. Clair Railway Company.”

Cap. 73.—“An Act to incorporate the Niagara and St. Catharine's Railway and Steamboat Company.”

Cap. 74.—“An Act respecting the Port Dover and Lake Huron Railway Company.”

Cap. 75.—“An Act respecting the North Simcoe Railway Company.”

Cap. 76.—“An Act relating to the Hamilton and North-Western Railway Company.”

Cap. 77.—“An Act respecting the Credit Valley Railway Company.”

Cap. 78.—“An Act respecting the Toronto, Grey and Bruce Railway.”

Cap. 79.—“An Act respecting the Stratford and Huron Railway.”

Cap. 80.—“An Act respecting the Huron and Quebec Railway Company.”

Cap. 81.—“An Act respecting the Cobourg, Peterborough and Marmora Railway and Mining Company.”

Cap. 82.—“An Act to amend the Acts relating to the Whitby and Port Perry Extension Railway Company.”

Cap. 83.—“An Act to incorporate the Guelph Street Railway Company.”

Cap. 84.—“An Act to incorporate the Metropolitan Street Railway Company of Toronto.”

Cap. 85.—“An Act respecting the Toronto Street Railway Company.”

Cap. 86.—“An Act respecting the St. Catharines Street Railway Company.”

Cap. 87.—“ An Act for the admission of Wm. E. Idsardi as a Provincial Land Surveyor.”

Cap. 88.—“ An Act to make verbal corrections in certain Acts of the present Session.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Z. A. LASH, D. M. J.

I concur,  
R. L., M. J.

DEPARTMENT OF JUSTICE, OTTAWA, Feby. 17th, 1879.

I have the honor to report that, after a careful perusal and consideration of the Acts of the Legislature of the Province of Ontario, passed in the forty-first year of Her Majesty's Reign (1878), I find the same free from objection. I, therefore, recommend that such Acts, being Chapters one to seventy-five inclusive, be left to their operation.

Z. A. LASH, D. M. J.

DEPARTMENT OF JUSTICE, OTTAWA, November 7th, 1879.

I have the honor to report that, at the last Session of Ontario Legislature, an Act was passed reducing the number of grand jurors from twenty-four to fifteen, but as the legislative authority, with respect to grand jurors in criminal matters, possessed by Provincial Legislatures, is doubtful, the Act contains a clause suspending its operation till brought into force by proclamation.

The Attorney-General of Ontario has communicated with this Department on the subject, with a view to having the question, as to the authority of the Parliament of Canada and the Local Legislatures respectively, in connection with grand jurors, submitted to the Supreme Court of Canada.

I recommend that this Department be authorized to agree with the Ontario Government upon the questions to be submitted; the action which may be taken to be reported to Council for further order.

JAMES McDONALD, Minister of Justice.

OTTAWA, 12th January, 1880.

With respect to the Statutes passed by the Legislature of the Province of Ontario, in the month of March, 1879, I have the honor to report as follows:—

Cap. 1.—“ An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government, for the year one thousand eight hundred and seventy-nine, and for other purposes therein mentioned.”

Cap. 2.—“ An Act respecting the Northerly and Westerly boundaries of Ontario.”

Cap. 3.—“ An Act to make further provisions respecting voters' lists.”

Cap. 4.—“ An Act to make further provisions respecting election of members of the Legislative Assembly.”

Cap. 5.—“ An Act respecting the office of Sheriff.”

Cap. 6.—“ An Act to extend the Act respecting the Heir, Devisee and Assignee Commission.”

Cap. 7.—“ An Act for further investment of public money in Municipal and Drainage Debentures.”

Cap. 8.—“ An Act to authorize investments in Municipal Debentures issued in aid of stone or timber drainage.”

Cap. 9.—“ An Act respecting payments, under the Municipal Loan Fund Scheme where Indians are interested.”

Cap. 10.—“An Act to amend the Agricultural and Arts Act.”

Cap. 11.—“An Act to incorporate the Poultry Association of Ontario.”

Cap. 12.—“An Act respecting the registration of deaths.”

These Acts do not seem to call for the exercise of the power of disallowance.

I recommend that they be left to their operation.

Cap. 13.—“An Act respecting Grand Juries.”

This Act is not to come into force until a day to be named by the Lieutenant Governor by his proclamation. It reduces the number of grand jurors required to make a panel from twenty-four to fifteen.

The operation of the Act was suspended owing to the doubt which exists as to the Legislative authority of the Provincial Legislature over the constitution of the grand jury in criminal matters. It has been agreed between the Governments of the Dominion and of the Provinces to submit the question to the Supreme Court for decision. If the Supreme Court decides against the right of the Provincial Legislature to pass this Act, it will doubtless be repealed, and, in the meantime, as it is not in operation, I recommend that if the Ontario Government will agree not to put it in operation and to repeal it, if it be *ultra vires*, the power of disallowance be not exercised, otherwise that it be disallowed and that the Lieutenant-Governor be so informed.

Cap. 14.—“An Act to amend the Jurors' Act.”

Cap. 15.—“An Act to make certain provisions respecting the practice of the Courts.”

Cap. 16.—“An Act to amend the Law as to the Limitation of Actions.”

Cap. 17.—“An Act to amend the Act respecting Coroners.”

Cap. 18.—“An Act to amend the Act respecting the fees of Counsel and other officers in the Administration of Justice.”

These Acts do not seem to call for the exercise of the power of disallowance. I recommend that they be left to their operation.

Cap. 19.—“An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.”

This Act will be reported upon separately.

Cap. 20.—“An Act to give to Mortgagees certain powers now commonly inserted in Mortgages.”

Cap. 21.—“An Act respecting investments of Trust Funds.”

Cap. 22.—“An Act to amend the Law of Dower.”

Cap. 23.—“An Act to extend the powers of Gas Companies.”

Cap. 24.—“An Act respecting Steam and Heating Companies.”

Cap. 25.—“An Act to provide for the inspection of Insurance Companies.”

Cap. 26.—“An Act to amend the Building Societies Act.”

Cap. 27.—“An Act to amend the Railway Act of Ontario.”

Cap. 28.—“An Act to authorize the issuing of scrip for Railway Grants in certain cases.”

Cap. 29.—“An Act respecting the power of Mechanics' Institutes and Library Associations to deal with their Real Estate.”

Cap. 30.—“An Act to extend the right of taking the security of Guarantee Companies.”

These Acts do not seem to call for the exercise of the power of disallowance. I recommend that they be left to their operation.

Cap. 31.—“An Act to amend the Municipal Law.”

Some of the provisions of this Act relate to the vexed question of licenses, some relating to the sale of meat, others to transient traders occupying premises in cities, towns, &c., for temporary periods, whose names are not on the Assessment Roll.

It may be argued that the provisions interfere with the power of the Dominion Parliament over the regulation of trade and commerce, but as the matter is by no means clear, and as any person thinking himself aggrieved will be enabled to contest the validity of the Act before the Court. I recommend that the power of disallowance be not exercised.

- Cap. 32.—“An Act to amend the Assessment Act.”
- Cap. 33.—“An Act to protect Plum and Cherry Trees.”
- Cap. 34.—“An Act respecting Separate and High Schools.”
- Cap. 35.—“An Act to amend the Act respecting the income and property of the University of Toronto, University College and Upper Canada College.”
- Cap. 36.—“An Act to authorize certain variations in deeds to Trustees for Religious Institutions.”
- Cap. 37.—“An Act respecting the application of the Religious Institution Act to the Church of England.”
- Cap. 38.—“An Act respecting the Andrew Mercer Ontario Reformatory for Females.”
- Cap. 39.—“An Act to establish an Industrial Refuge for Girls.”
- Cap. 40.—“An Act respecting the Municipality of Shuniah.”
- Cap. 41.—“An Act to incorporate the City of Guelph.”
- Cap. 42.—“An Act to incorporate the Town of Mount Forest.”
- Cap. 43.—“An Act relating to the incorporation of the Village of Tiverton.”
- Cap. 44.—“An Act to extend the limits of the Town of Walkerton.”
- Cap. 45.—“An Act to provide for the division of the Township of Colchester.”
- Cap. 46.—“An Act to amend the boundary lines of the Town of Ingersoll.”
- Cap. 47.—“An Act respecting the Township of Harvey in the County of Peterborough.”
- Cap. 48.—“An Act respecting Billing's Bridge and to legalize the conveyance thereof to the Ottawa and Gloucester Road Company.”
- Cap. 49.—“An Act to incorporate the Lake Scugog Marsh Lands Drainage Company.”
- These Acts do not seem to call for the exercise of the power of disallowance. I recommend that they be left to their operation.
- Cap. 50.—“An Act respecting certain dams on Beaver Creek and other streams in the Counties of Hastings and Addington.”
- This Act will be reported upon separately.
- Cap. 51.—“An Act respecting the Walkerton School Lands.”
- Cap. 52.—“An Act for the relief of the Barton and Glanford Road Company.”
- Cap. 53.—“An Act respecting the Belleville and North Hastings Railway Company.”
- Cap. 54.—“An Act to amend the Acts relating to the Brantford, Norfolk and Port Burwell Railway Company.”
- Cap. 55.—“An Act respecting an agreement entered into between the City of Brantford and the Grand Trunk Railway Company.”
- Cap. 56.—“An Act respecting the Georgian Bay and Wellington Railway Company.”
- Cap. 57.—“An Act respecting the Grand Junction Railway Company.”
- Cap. 58.—“An Act to incorporate the Grey and Walkerton Railway Company.”
- Cap. 59.—“An Act to amend the Act incorporating the Hamilton and Dundas Street Railway Company.”
- Cap. 60.—“An Act relating to the Hamilton and North-Western Railway Company.”
- Cap. 61.—“An Act to legalize certain By-Laws and Debentures of the County of Kent, in aid of the Erie and Huron Railway Company.”
- Cap. 62.—“An Act respecting the Lake Simcoe Junction Railway Company.”
- Cap. 63.—“An Act respecting the Leamington, Comber and the Lake St. Clair Railway Company.”
- Cap. 64.—“An Act to incorporate the Ontario Central Railway Company.”
- Cap. 65.—“An Act to incorporate the Snowdon Branch Railway.”
- Cap. 66.—“An Act respecting the Stratford and Huron Railway Company.”
- Cap. 67.—“An Act respecting certain property in the Town of Peterborough, and to amend an Act respecting the Toronto and Ottawa Railway.”

Cap. 68.—“An Act to incorporate the Waterloo, Wellington and Georgian Bay Railway Company.”

Cap. 69.—“An Act respecting the Whitby and Bobcaygeon Railway Extension Company.”

Cap. 70.—“An Act respecting the Whitby, Port Perry and Lindsay Railway Company.”

Cap. 71.—“An Act to incorporate the Windsor and Essex Centre Railway Company.”

Cap. 72.—“An Act respecting the Yorkville Loop Line Railway Company.”

Cap. 73.—“An Act to incorporate the Brantford Street Railway Company.”

Cap. 74.—“An Act to consolidate the debt of the County of Middlesex.

These Acts do not seem to call for the exercise of the power of disallowance. I recommend that they be left to their operation.

Cap. 75.—“An Act respecting the debenture debt and certain property of the City of Toronto.”

A Petition from the Liverpool, London and Globe Insurance Company, praying for the disallowance of this Act was received, but subsequently the opposition was withdrawn. I recommend that this Act be left to its operation.

Cap. 76.—“An Act to legalize a certain By-Law of the Town of Strathroy.”

Cap. 77.—“An Act respecting Waterworks for the Town of Guelph.”

Cap. 78.—“An Act respecting Waterworks for the City of Ottawa.”

Cap. 79.—“An Act to legalize certain By-Laws of the City of St. Catharines and to amend the several Acts relating to the Waterworks of said City.”

Cap. 80.—“An Act to incorporate the Ontario Veterinary Association.”

Cap. 81.—“An Act to incorporate the Industrial Exhibition Association of Toronto.”

Cap. 82.—“An Act to give further powers to the Petrolia Crude Oil and Tanking Company.”

Cap. 83.—“An Act respecting the Brockville Mutual Building Society.”

These Acts do not seem to call for the exercise of the power of disallowance. I recommend that they be left to their operation.

Cap. 84.—“An Act to incorporate the Prudential Life Assurance Company of Ontario.”

Doubts have been raised by the Superintendent of Insurance as to the power of a Provincial Legislature to incorporate a Life Insurance Company. Questions as to the legislative control over fire insurance generally, are now before the Supreme Court for decision, in two cases brought by appeal from the Court of Appeal. It is possible that the judgment in these two cases may throw some light upon legislative authority respecting life insurance.

The inclination of my opinion is that a Provincial Legislature has power to pass such an Act as the one now referred to. Similar legislation has already been left to its operation. And I recommend that the power of disallowance be not exercised with respect to this Act.

Cap. 85.—“An Act to extend the powers of the Hand-in-Hand Mutual Fire Insurance Company.”

Cap. 86.—“An Act to further amend the Acts incorporating the Hamilton Gas Light Company.”

Cap. 87.—“An Act to amend the Acts respecting the Consumers Gas Company of Toronto.”

Cap. 88.—“An Act respecting the Public Burying Ground in the Town of Guelph.”

Cap. 89.—“An Act respecting the Victoria College at Cobourg.”

Cap. 90.—“An Act relating to the Toronto General Hospital.”

Cap. 91.—“An Act to amend the Act incorporating the St. Joseph Union Society, of the City of Ottawa.

Cap. 92.—“An Act to amend an Act to authorize the Churchwardens of St. James Church, Toronto, to issue debentures.

Cap. 93.—“An Act to authorize the sale of certain lands in the Village of London East, heretofore known as the Methodist Cemetery.

Cap. 94.—“An Act respecting the property of the congregation of St. Mary’s Roman Catholic Church, Almonte.”

Cap. 95.—“An Act to empower the trustees under a deed executed by Thomas Keendu, to sell certain lands.”

These Acts do not seem to call for the exercise of the power of disallowance. I recommend that they be left to their operation.

Z. A. LASH, D. M. J.

I concur,

JAS. McDONALD, M. J.

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ONTARIO LEGISLATION, 42 VIC., 1879.

DEPARTMENT OF JUSTICE, OTTAWA, 20th Jan., 1880.

I have the honor to report—that an Act was passed by the Legislature of the Province of Ontario at its last Session, intituled :

Cap. 19.—“An Act respecting the administration of justice in the northerly and westerly parts of Ontario.

(For this Report, see *Sessional Papers No. 141, page* .)

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DEPARTMENT OF JUSTICE, OTTAWA, 3rd February, 1880.

I have the honor to report upon the Act passed by the Legislature of Ontario, at its last Session, namely :—

Cap. 50—“An Act respecting certain dams on Beaver Creek and other streams in the counties of Hastings and Addington.”

Enquiry has been made from the Department of Marine and Fisheries asking if any objection to the Act exists in connection with navigation, and a reply has been received that no objection exists to the allowance of the Act, so far as navigation is concerned. I recommend that the Act be left to its operation.

Z. A. LASH, D.M.J.

I concur,

JAS. McDONALD, M.J.

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DEPARTMENT OF JUSTICE, OTTAWA, 17th March, 1880.

I have the honor to report:—That under the Order in Council of the 12th February, respecting an Act passed by the Legislature of Ontario at its Session, 1879, intituled : “An Act respecting the administration of justice in the northerly and westerly parts of Ontario,” it was provided that unless the same were repealed within the time for disallowance it should be disallowed.

A copy of my Report and of the Order in Council passed thereon were transmitted in due course to the Ontario Government, A reply has just now been received, from which it would appear that the Act has not been repealed, but that another Act, making provision for the administration of justice in the locality, has been passed, but which Act is not to go into operation unless and until the Act now under consideration be disallowed.

The Attorney-General of Ontario states that, “the new Act confines the jurisdiction of Stipendiary Magistrates as regards subject-matter and amount to the limits provided for by the law in force before Confederation; and avoids any disputable reference to the extent of the territory within which the Act is to operate, leaving that question to be wholly determined as may be by the law and the right.”

I have not yet had an opportunity of seeing this Act, and therefore pass no opinion with respect to it. It will have to be considered and reported upon in the usual way.

Pursuant to the provisions of the Order in Council of the 12th February, I think the Act passed by the Legislature of the Province of Ontario first above referred to should be disallowed and I recommend accordingly.

Before closing the report I desire to refer to some of the remarks of the Attorney General of Ontario with respect to the Act.

In my previous report I pointed out two grounds upon which it was necessary to take action with respect to the allowance or disallowance—the first being on account of its assuming to make provision for the administration of justice over territory the right of Ontario to which is not admitted by this Government—the second was that the Act encroached upon the powers of the Dominion Government with respect to the appointment of judges.

It is unnecessary to reply to the arguments adduced by the Attorney-General with respect to the boundaries of Ontario, as any discussion thereon upon a reference of this kind would seem inopportune.

With respect to the second ground, however, the Attorney General points out that the provisions respecting the "District Court" referred to in the Act were intended to apply only to the Court presided over by the Judge resident in Sault St. Marie, who received his appointment before Confederation, and whose successor would have to be appointed by the Governor General, and that the provisions respecting this Court do not apply to the Court presided over by the Stipendiary Magistrate referred to in the Act.

In this view so much of the Act as relates to that District Court would not seem to be open to the objections as those portions which refer to the Stipendiary Magistrates, but the objections pointed out in my previous report to those portions of the Act which refer to the Stipendiary Magistrates and the Courts presided over by them still remain, and of themselves, in my opinion, would warrant the disallowance of the Act.

The Attorney General remarks, in referring to the disputed boundary question, that "the Minister of Justice does not, however, advise the disallowance of the Act on this account, but advises its disallowance upon the ground of the other objection which he suggests, namely: that the Act seems to encroach upon the powers of the Dominion Government with respect to the appointment of Judges."

It would seem immaterial upon which of the two grounds the disallowance was recommended, but I would point out that the recommendation in my Report was a general one, and not confined to either ground.

JAS. McDONALD, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, Monday, 22nd day of March, 1880.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of Ontario, with the Legislative Assembly of that Province, did, on the 11th day of March, 1879, pass an Act, Chapter 19, intituled: "An Act respecting the administration of justice in the "northerly and westerly parts of Ontario,"

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature of the Province of Ontario to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General ;



His Excellency the Governor General has thereupon this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of Ontario and all other persons whom it may concern, are to take notice and govern themselves accordingly.

J. O. COTÉ, C.P.C.

I, Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of Ontario, the 11th day of March, 1879, Chapter 19, intituled: "An Act respecting the administration of justice in the northerly and westerly parts of Ontario," was received by me on the 26th day of March, 1879.

Given under my hand and seal this twenty-second day of March, 1880.

[L.S.]

LORNE.

DEPARTMENT OF JUSTICE, OTTAWA, February 3rd, 1881.

I have the honor to report upon the Statutes passed by the Legislature of the Province of Ontario, in the year 1880, as follows:—

Cap. 1.—"An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty, and for other purposes therein mentioned.

Cap. 2.—"An Act to provide for the erection of New Buildings for the accommodation of the Provincial Legislature and the Public Departments."

Cap. 3.—"An Act respecting Public Officers of Ontario."

Cap. 4.—"An Act to amend the Free Grants and Homesteads Act."

Cap. 5.—"An Act to amend the Agricultural and Arts Act."

Cap. 6.—"An Act respecting Tile, Stone or Timber Drainage."

Cap. 7.—"An Act respecting the proof of proceedings in Provincial and Colonial Courts."

Cap. 8.—"An Act to extend the jurisdiction and to regulate the Officers of Dominion Courts."

Cap. 9.—"An Act further to amend the Jurors' Act."

I recommend that these Acts be left to their operation.

Cap. 10.—"An Act to abolish priority of and amongst Execution Creditors.

*A separate report will be made with respect to this Act.*

Cap. 11.—"An Act respecting Coroners' Inquests."

Cap. 12.—"An Act respecting the administration of justice in the Districts of Algoma, Thunder Bay and Nipissing."

Cap. 13.—"An Act respecting the Niagara Falls and the adjacent territory."

Cap. 14.—"An Act to amend certain particulars in the law of real property."

Cap. 15.—"An Act to amend the Revised Statute respecting Mortgages and Sales of Personal Property."

Cap. 16.—"An Act to protect the goods of lodgers and boarders against distresses for rent due to the Superior Landlord."

Cap. 17.—"An Act to amend the Act respecting Land Surveyors and the survey of Lands."

Cap. 18.—"An Act to extend the powers of Joint Stock Companies for the erection of Exhibition Buildings."

Cap. 19.—"An Act respecting Companies incorporated under Imperial Statutes."

Cap. 20.—"An Act respecting the Expenses of Inspecting Insurance Companies."

Cap. 21.—"An Act for the relief of Building, Loan and Savings Societies and Companies."

Cap. 22.—"An Act for the relief of Co-operative Associations."

Cap. 23.—"An Act respecting the incorporation of Cemetery Companies by Letters Patent."

- Cap. 24.—“ An Act to amend the Municipal Act.”
- Cap. 25.—“ An Act to make valid certain municipal by-laws.”
- Cap. 26.—“ An Act respecting the support of destitute insane persons.”
- Cap. 27.—“ An Act respecting municipal assessments and exemptions.”
- Cap. 28.—“ An Act respecting the collection of taxes in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.”
- Cap. 29.—“ An Act to prevent the spreading of Canada thistles.”
- Cap. 30.—“ An Act respecting ditching water courses.”
- Cap. 31.—“ An Act to amend the law for the protection of game and fur-bearing animals.”
- Cap. 32.—“ An Act respecting certain amendments to the Public Schools Act.”
- Cap. 33.—“ An Act respecting the Agricultural College.”
- Cap. 34.—“ An Act respecting the Ontario Reformatory for boys.”
- Cap. 35.—“ An Act respecting the removal of persons from county gaols to provincial institutions.”
- Cap. 36.—“ An Act to make further provision respecting the estates of persons confined in asylums for the insane.”
- Cap. 37.—“ An Act to confirm certain preliminary proceedings, and make further provision for the formation of the County of Dufferin.”
- Cap. 38.—“ An Act to legalize by-law No. 310 of the City of Brantford.”
- Cap. 39.—“ An Act relating to the incorporation of the Village of Chesley.”
- Cap. 40.—“ An Act respecting the debenture debt of the City of Guelph.”
- Cap. 41.—“ An Act to provide for the division of the Township of Luther.”
- Cap. 42.—“ An Act to confirm a certain by-law of the Town of Owen Sound.”
- Cap. 43.—“ An Act to legalize certain by-laws of the Town of Orillia and of the County of Simcoe.”
- Cap. 44.—“ An Act to confirm a by-law of the County of Prince Edward, granting aid to the Prince Edward County Railway Company.”
- Cap. 45.—“ An Act to confirm certain assessments in the City of St. Catherines.”
- Cap. 46.—“ An Act to incorporate the Village of Wiarton.”
- Cap. 47.—“ An Act respecting Waterworks for the Town of Wingham.”
- Cap. 48.—“ An Act to amend and more accurately define the boundaries of the Town of Woodstock.”
- Cap. 49.—“ An Act to incorporate the Bayfield and South Huron Railway Company.”
- Cap. 50.—“ An Act respecting the construction of a branch of the Belleville and North Hastings Railway to the Village of Tweed.”
- Cap. 51.—“ An Act to incorporate the Cobden and Opeongo Railway Company.”
- Cap. 52.—“ An Act to amend the Acts relating to the Credit Valley Railway Company.”
- Cap. 53.—“ An Act to amend an Act respecting the Georgian Bay and Wellington Railway Company.”
- Cap. 54.—“ An Act respecting the Grand Junction Railway Company.”
- Cap. 55.—“ An Act to incorporate the Grand Ontario Central Railway Company.”
- Cap. 56.—“ An Act to revise and amend the Act incorporating the Lambton Central Railway Company.”
- Cap. 57.—“ An Act respecting the Midland Railway of Canada.”
- Cap. 58.—“ An Act to amend the Acts incorporating the North Simcoe Railway Company.”
- Cap. 59.—“ An Act to incorporate the Port Rowan and Lake Shore Railway Company.”
- Cap. 60.—“ An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.”
- Cap. 61.—“ An Act to amend the Acts respecting the Prince Edward County Railway Company.”
- Cap. 62.—“ An Act to revive and amend the Act incorporating the St. Mary's and Credit Valley Railway Company.”

- Cap. 63.—“ An Act to incorporate the Sarnia and Petrolia Railway Company.”  
 Cap. 64.—“ An Act to incorporate the Sault Ste. Marie Railway Company.”  
 Cap. 65.—“ An Act respecting the Stratford and Huron, and the Port Dover and Lake Huron Railway Companies.”  
 Cap. 66.—“ An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway.”  
 Cap. 67.—“ An Act to incorporate the Toronto and Nipissing Eastern Extension Railway Company.”  
 Cap. 68.—“ An Act respecting the Toronto and Ottawa Railway Company.”  
 Cap. 69.—“ An Act further to amend the Act incorporating the Trent Valley Railway Company.”  
 Cap. 70.—“ An Act to extend the time for completing the Victoria Railway.”  
 Cap. 71.—“ An Act to incorporate the Victoria Extension Railway Company.”  
 Cap. 72.—“ An Act to amend the Act incorporating the Windsor and Essex Centre Railway Company.”  
 Cap. 73.—“ An Act to incorporate the Floss Tramway Company.”  
 Cap. 74.—“ An Act to incorporate the Southern Fire Insurance Company.”  
 Cap. 75.—“ An Act to provide for the amalgamation of the City Gas Company and the City Steam Heating Company, of London, Ontario, and to extend the powers of the amalgamated Companies.”  
 Cap. 76.—“ An Act to limit the borrowing powers of the English Loan Company and to amend the charter thereof.”  
 Cap. 77.—“ An Act relating to Christ Church, Ottawa.”  
 Cap. 78.—“ An Act to enable the Trustees of St. Andrew's Church, Chatham, to raise ten thousand dollars to build a church and for other purposes.”  
 Cap. 79.—“ An Act to authorise the Trustees of the Presbyterian Congregation of Lobo, known as Melville Church, to sell certain lands.”  
 Cap. 80.—“ An Act to authorize the Rector and Churchwardens of St. Paul's Church, in the City of London, to lease, mortgage, or sell certain lands heretofore known as 'Saint Paul's Cemetery' and for other purposes.”  
 Cap. 81.—“ An Act to amend the Act incorporating Alma College.”  
 Cap. 82.—“ An Act respecting the Sisters of Saint Joseph of the Roman Catholic Diocese of Hamilton.”  
 Cap. 83.—“ An Act to amend the Act incorporating the William Ha Peterborough, Protestant Poor Trust.”
- I recommend that these Acts be left to their operation.

JAMES McDONALD, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 11th March, 1881.

I have the honor to report upon Chapter 10 of the Statutes of Ontario, passed in the forty-third year of Her Majesty's reign, A.D. 1880, intituled: “ An Act to abolish priority of and amongst creditors.”

Taking this Act section by section, much can be said in favor of the view that its provisions are within the legislative authority of the Provincial Legislature, but, taking its effect as a whole, much can be said in support of the contention that it entrenches upon the subject of bankruptcy and insolvency, over which the Parliament of Canada has exclusive legislative authority.

In view of the doubts which exist with respect to the matter; in view, also, of the fact that the insolvency laws of the Dominion had been repealed; in view, also, of the provisions of Section 28 of the Act which provides that it is not intended to interfere with the Insolvency Laws, which may, from time to time, be in force, but is intended to be subject to such laws, and subject, as aforesaid, to apply to all debtors whether solvent or not; in view, also, of the fact that if the power of disallowance

be not exercised, any person wishing to test the constitutionality of the Act in any of the Courts, will be at liberty to do so, I recommend that the power of disallowance be not exercised with respect to the said Act.

JAS. McDONALD, Minister of Justice.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 26th Oct., 1877.*

The Committee of Council have had before them a Report, dated 3rd, Oct., 1877, from the Hon. the Minister of Justice, upon the Acts passed by the Legislature of the Province of Ontario, in the fortieth year of Her Majesty's reign (1877), and they concur in the views and recommendations therein submitted, and accordingly advise that the Acts alluded to be left to their operation; that the attention of the Lieutenant-Governor be called to the views and remarks submitted in the Report of the Minister of Justice, and with that view, that a copy of said Report be transmitted to the Lieutenant-Governor.

JOS. COTÉ, Asst. Clerk, P. C.

TORONTO, 7th November, 1877.

SIR,—With reference to your despatch of 29th ultimo, forwarding a copy of an order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice, on the subject of the Acts passed by the Legislature of this Province, at the recent Session thereof (40 Vic., 1877), I am now directed to request that a copy of the Report of the Honorable the Minister of Justice, under date 29th September last, upon the Acts of the last Session of the Legislature of British Columbia, be forwarded to this Government.

I have the honor to be, Sir, your obedient servant,  
T. R. ECHART, Assistant Secretary.

Hon. Secretary of State (Canada), Ottawa.

DEPARTMENT SECRETARY OF STATE, 12th November, 1877.

SIR,—In compliance with the request contained in the letter from your Department, of the 7th inst, I am directed to transmit to you herewith, for the information of His Honor the Lieutenant-Governor of Ontario, a copy of the Report of the Hon. the Minister of Justice, on the Statutes of the Legislature of the Province of British Columbia, at the late Session thereof. (40 Vic., 1877.)

I have, &c.,

E. J. LANGEVIN.

Hon. Provincial Secretary, Toronto.

PROVINCIAL SECRETARY'S OFFICE, TORONTO, 13th November, 1877.

SIR,—I have the honor to acknowledge the receipt of your letter of 12th instant, transmitting for the information of His Honor the Lieutenant-Governor, a copy of the Report of the Honorable the Minister of Justice, on the Statutes of the Legislature of the Province of British Columbia at the late Session thereof.

I have the honor to be, Sir, your obedient servant,  
J. R. ECKART, Assistant Secretary.

Hon. the Secretary of State (Canada), Ottawa.

TORONTO, 4th December, 1877.

SIR,—With further reference to the correspondence that has taken place respecting the Acts passed by the Legislature of this Province at the recent Session thereof, (40 Vic., 1877), I am now directed to transmit herewith, for the information of His Excellency the Governor General, a copy of an Order in Council, approved by His Honor the Lieutenant-Governor, the 3rd instant, together with a copy of a Report of the Honorable the Attorney General, dated the 26th November last, having regard to these Acts.

I have the honor to be, Sir, your obedient servant,

J. R. ECKART, Assistant Secretary.

Hon. the Secretary of State (Canada), Ottawa.

*Copy of an Order in Council approved by His Honor the Lieutenant-Governor, the 3rd day of December, A.D., 1877.*

The Committee of Council have had under consideration a despatch of the Honorable the Secretary of State of Canada, dated 12th day of November instant, enclosing a copy of an Order of His Excellency the Governor General in Council, dated the 26th day of October, 1877, respecting the Acts passed by the Legislature of this Province at its last Session, and also a copy of the Report of the Honorable the Minister of Justice, upon which the said Order is founded.

The Committee have also had under consideration the annexed Report of the Honorable the Attorney-General, dated the 26th day of November instant, with reference to the said despatch and enclosure.

The Committee concur in the Report of the Honorable the Attorney-General, and advise that a copy thereof and of this Minute of Council be transmitted by Your Honor to the Government of Canada.

J. G. SCOTT, Clerk Executive Council, Ontario.

Hon. the Provincial Secretary.

The undersigned respectfully reports that he has had under consideration the despatch of the Hon. the Secretary of State of Canada, dated 12th November, enclosing a copy of an Order of His Excellency in Council, dated 26th October, 1877, respecting the Acts passed by the Legislature of this Province at its last Session, and also a copy of a Report of the Minister of Justice, dated 3rd October last, and on which the said Order is founded.

The Report suggests that the attention of Your Honor should be directed to five (5) of the eighty-eight (88) Acts passed at the last Session of the Legislature.

With respect to three of these namely, chapter four (4), seventeen (17) and twenty-four (24), some provisions therein are objected to as not being confined, or not being expressly and clearly confined, to matters within the jurisdiction of the Provincial Legislature. The way in which the provisions referred to are dealt with in the Revised Statutes, appears to be free from the objections suggested in the Report, and as the Revised Statutes repeal the Acts in which the objectionable clauses occur and will go into force in a few weeks, the undersigned does not think it necessary to discuss at present any of the objections referred to.

The eighteenth (18) chapter being the "Act to amend the Act respecting the sale of fermented and spirituous liquors," is objected to because of the use of the word "offence" in certain sections of the Act, and the Report observes that the objections to the use of the word in describing a violation of the Provincial Law had been pointed out on previous occasions.

The undersigned does not recollect that this objection has been made in any report upon the legislation of the Ontario Legislature, since the report of the Minister of Justice communicated by the Hon. the Secretary of State, in a despatch dated 9th

September, 1878, enclosing a copy of the Order of His Excellency in Council, dated 3rd August, 1873. The report of the undersigned in answer dated 8th December, 1873, and approved by the Lieutenant-Governor in Council, on the 8th January, 1874, and communicated to the Hon. the Secretary of State on the 14th of the same month is not referred to in the report of the Minister now under consideration, and the undersigned presumes that his report of the 8th of December, 1873, has been overlooked though the argument contained in it on the point in question was supposed to have been acquiesced in by the Dominion Government.

The undersigned would therefore again respectfully submit that the word "offence" is a convenient and proper term to employ in speaking of a violation of a Provincial Law, that it is used in that sense in Dominion Legislation, as for example in 31 Victoria, Chapter 71, Section 3: that violations of the provisions of the Tavern and License Act were in the *Queen vs. Boardman*, 30 U. C. Q. B. 553, expressly held by the Court of Queen's Bench to be "offences," that violations of even municipal laws are commonly and properly called offences, and that beyond all doubt there are many offences which are not crimes in any recognized sense; not to speak of the somewhat limited sense which it may be argued that the expression Criminal Law has in the British North America Act.

The fourth Act objected to is a private Act namely chapter sixty-six, the Act to incorporate the Standard Fire Insurance Company. The first section of this Act incorporates the Company for the purpose of carrying on the business of fire insurance and doing all things pertaining thereto in the Province of Ontario; and the eighteenth section empowers the Company to effect contracts of insurance and does not therefore expressly limit these powers to the Province of Ontario. But it is so manifest that by the first section the Legislature only professed to give powers of carrying on business in Ontario, that the undersigned hopes that it will not be thought necessary to disallow the Act or to require an Act to be passed amending it.

O. MOWAT.

November 26th, 1877.

TORONTO, 11th March, 1878.

SIR,—I am directed to transmit herewith, for the information and approval of His Excellency the Governor General, certified copies of the Acts passed by the Legislature of this Province at its last Session, being in the forty-first year of Her Majesty's Reign.

I have the honor to be, Sir, your obedient servant,

J. R. ECKART, Assistant Secretary.

The Honorable the Secretary of State, Canada, Ottawa.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st May, 1879.*

On a Report, dated 17th February, 1879, from the Honorable the Minister of Justice, stating that the Acts of the Legislature of the Province of Ontario, Chapters 1 to 75 inclusive, passed in the forty-first year of Her Majesty's Reign, are free from objection, and recommending that such Acts be left to their operation.

The Committee submit the above recommendation for Your Excellency's approval.

W. A. HIMSWORTH, C.P.C.

To the Honorable the Secretary of State.

THE LIVERPOOL, LONDON AND GLOBE INSURANCE COMPANY,  
MONTREAL, 30th June, 1879.

SIR,—I have the honor to transmit herewith, for presentation to the Governor General in Council, the humble petition of The Liverpool and London and Globe Insurance Company for the disallowance of an Act passed by the Legislature of the Province of Ontario at its last Session, and known as "The City of Toronto Consolidated Debenture Act, 1879."

I have the honor to be, Sir, your obedient servant,

G. F. C. SMITH, Resident Secretary.

Hon. J. C. AIKENS, Secretary of State, Ottawa.

*To His Excellency the Governor General of Canada in Council:*

The humble petition of the Liverpool and London and Globe Insurance Company sheweth as follows:—

1. That the Corporation of the City of Toronto some time since put upon the London money market sterling debentures, called Waterworks Debentures, to a large amount, and your petitioners who are an English Corporation, became the purchasers and are now the holders of such debentures to the amount of £50,000 sterling.

2. That the Statutes and By-Law authorizing the issue of the said debentures provided for the levy by taxation in each year during the currency of the said debentures, of a special rate of one mill and eight-tenths of a mill in the dollar in addition to all other rates upon all the ratable property in the city; and for the investment of all moneys arising from the said rate, beyond the amount required to pay the interest on the said debentures for the purpose of creating a sinking fund exclusively for the redemption of the said debentures at maturity. That the said special rate produced on the then assessment of the city, eighty-four thousand dollars a year, leaving, after payment of the interest, thirty thousand dollars a year and interest thereon applicable to the sinking fund irrespective of the increase in the assessed value of the City, which has largely advanced, and will further advance, and whereby the sinking fund would be proportionately increased.

3. That it was on the basis of the security thus afforded that your petitioners became such purchasers.

4. That your petitioners learn that at the last Session of the Legislature of Ontario a private Act was passed at the instance of the Corporation of the City of Toronto intituled: "An Act respecting the Debenture Debt and other property of the City of Toronto," whereby, amongst other things, the accumulated sinking funds, (including that levied in respect of your petitioners' said bonds) were authorized to be diverted and applied in payment of other debts not including your petitioners said bonds, and whereby also, instead of the sinking funds previously provided, a rate of three-quarters of one per centum on all the city debentures was authorized to be levied, in addition to a rate for interest, and whereby the moneys arising from the substituted sinking fund rate were authorized to be applied from time to time in redemption of any of the city debentures.

By the operation of this Act your petitioners will be deprived of their existing accumulated sinking fund, and of the adequate sinking fund rate already prescribed, and in lieu thereof a rate producing only \$6,150 a year in respect of the issue of debentures, of which your petitioners form part, will be levied, and the proceeds of this wholly inadequate rate, instead of being specially devoted to the redemption of your petitioners' bonds, may be and will be diverted to other purposes.

5. That no notice was given of the intention to propose such legislation; and your petitioners had no knowledge thereof nor any opportunity to oppose the same.

6. That the said Act deprives your petitioners of the security on the faith whereby they became purchasers of the said bonds, and thus operates most injuriously against your petitioners.

7. That such legislation should not have been passed save subject to the assent of the bondholders interested.

8. That to pass such legislation without the assent and against the will of the bondholders is a violent interference with their just rights, a great injustice to them, and calculated to shake the confidence of English and foreign investors in all securities issued under the authority of Canadian Provincial legislation; since no dependence can hereafter be placed on the conditions under which a loan has been contracted remaining obligatory longer than suits the interests or convenience of the debtor.

9. That the injustice to your petitioners and other English investors is so flagrant, and the general consequences of such legislation must be so injurious that the Act should be disallowed.

10. Your petitioners, therefore, humbly pray that the said Act may be disallowed.

HENRY STARNES, Chairman.  
THOMAS CRAMP, Deputy Chairman.  
A. T. GALT, Director.  
GEORGE STEPHEN, Director.

G. H. SMITH, Recording Secretary, Montreal, 30th June, 1879.

DEPARTMENT SECRETARY OF STATE, 9th July, 1879.

SIR,—I am directed to transmit to you herewith, for such remarks as the Corporation of the City of Toronto may think proper to make thereon, a copy of a petition from the Liverpool and London and Globe Insurance Company, praying for the disallowance of the Act passed by the Legislature of Ontario during its last Session, intituled: "An Act respecting the Debenture Debt and other property of the City of Toronto."

I have, &c.,  
E. J. LANGEVIN.

His Worship the Mayor, Toronto.

DEPARTMENT SECRETARY OF STATE, 9th July, 1879.

SIR,—I am directed to transmit to you herewith, for the information of His Honor the Lieutenant Governor of Ontario, a copy of a petition from the Liverpool and London and Globe Insurance Company, praying for the disallowance of the Act passed by the Legislature of Ontario during its last Session, intituled: "An Act respecting the Debenture Debt and other property of the City of Toronto."

I am at the same time to state that a copy of the petition has been transmitted to the Corporation of Toronto for their remarks thereon.

I have, &c.,  
E. J. LANGEVIN.

The Hon. the Provincial Secretary, Toronto.

DEPARTMENT OF JUSTICE, OTTAWA, 4th December, 1879.

Unless a reply has already been received to the communication addressed by the Secretary of State, in July last, to the Mayor of the City of Toronto, and to the Hon. the Provincial Secretary, Toronto, respecting the Petition from the Liverpool and London and Globe Insurance Company; praying for the disallowance of the Act passed by the Legislature of Ontario, during its last Session, intituled:—"An Act respecting the Debenture Debt and other property of the City of Toronto."

I recommend that a communication be at once addressed to each of the parties asking for an immediate reply.

Z. A. LASH, D.M.J.



9th December, 1879.

SIR,—I am directed to invite your attention to my letter of the 9th July last, and to the copy of the petition, therein enclosed, of the Liverpool and London and Globe Insurance Company, praying for the disallowance of an Act of the Ontario Legislature, passed during its last Session, intituled: "An Act respecting the Debenture Debt and other property of the City of Toronto," and to request that immediate reply to the said Petition may be sent to this Department.

I have, &amp;c.,

EDOUARD J. LANGEVIN, Under Secretary of State.

Hon. the Provincial Secretary, Toronto.

TORONTO, 11th December, 1879.

SIR,—I have the honor to acknowledge the receipt of your letter of the 9th instant respecting the petition of "The Liverpool and London and Globe Insurance Company," praying for the disallowance of an Act of the Legislature of this Province, intituled: "An Act respecting the Debenture Debt and other property of the City of Toronto," and, in reply, to enclose herewith a copy of a communication from the Treasurer of this City, together with its enclosure intimating that the petition alluded to has been withdrawn.

I have the honor to be, Sir, your obedient servant,

J. R. ECKART, Assistant Secretary.

Hon. the Secretary of State (Canada), Ottawa.

TORONTO, 21st July, 1879.

SIR,—The City Clerk has handed me your letter with reference to the petition of "The Liverpool and London and Globe Insurance Company," praying for the disallowance of the Act passed at the recent Session of the Ontario Legislature, intituled: "An Act respecting the Debenture Debt and other property of the City of Toronto," and I have to inform you that the same has been withdrawn, as per letter of the Honorable Edward Blake, who filed the same. Copy of letter herewith.

I have, &amp;c.,

S. B. HARMAN, City Treasurer.

J. R. ECKART, Esq., Assistant Secretary, Toronto.

TORONTO, 17th July, 1879.

*Re Liverpool, London and Globe Insurance Company, and Toronto Waterworks Bonds.*

SIR,—I am authorized by my clients to withdraw, and do accordingly now withdraw, the protest against the issue of debentures contained in my letter of 21st ultimo to you.

Yours truly,

EDWARD BLAKE.

The City Clerk, Toronto.

CITY TREASURER'S OFFICE, TORONTO, 12th January, 1880.

SIR,—His Worship the Mayor of Toronto, has handed me your letter of 9th ultimo, in relation to a petition of the Liverpool, London and Globe Insurance Company, praying for the disallowance of an Act of the Ontario Legislature passed during its last Session, intituled: "An Act respecting the Debenture Debt and other property of the City of Toronto," and in reply to the same, I have the honor to state that the said Petition was withdrawn by the Honorable Edward Blake, Q.C., M.P., who was retained by the parties to prosecute the same, and all action on the same abandoned.

I have the honor to be, Sir, your most obedient servant,

SAMUEL B. HARMAN, City Treasurer.

Honorable J. C. Aikins, Secretary of State, Ottawa.

GOVERNMENT HOUSE, TORONTO, 17th March, 1880.

SIR,—I have the honor to transmit herewith, for the information and approval of His Excellency the Governor General, certified copies of the Acts passed by the Legislature of this Province at its recent Session, being in the forty-third year of Her Majesty's reign.

I have the honor to be, Sir, your obedient servant,  
D. A. McDONALD, Lieutenant Governor of Ontario.

The Honorable the Secretary of State (Canada) Ottawa.

22nd March, 1880.

SIR,—I have the honor to transmit to you, herewith, for the information of your Government, an Order of His Excellency the Governor General in Council, disallowing an Act passed by the Legislature of the Province of Ontario, on the 11th day of March, 1879, Chapter 19, intituled: "An Act respecting the Administration of Justice in the northerly and westerly parts of Ontario."

I have, &c.,

J. C. AIKINS, Secretary of State.

His Honor the Lieutenant-Governor of Ontario, Toronto.

GOVERNMENT HOUSE, TORONTO, 25th March, 1880.

SIR,—Adverting to your letter of 22nd March, forwarding an Order of His Excellency the Governor General in Council, disallowing an Act passed by the Legislature of this Province, on the 11th instant, intituled: "An Act respecting the Administration of Justice in the northerly and westerly parts of Ontario," I have now the honor to request you to forward to me a copy of the Report of the Minister of Justice therein alluded to.

I have the honor to be, Sir, your obedient servant,

D. A. MACDONALD, Lieutenant Governor of Ontario.

The Honorable the Secretary of State (Canada) Ottawa.

I think this request should be complied with and so recommend.

Z. A. LASH, D.M.J.

March 27, 1880.

30th March, 1880.

SIR,—In compliance with the request contained in your despatch of the 25th inst., I have the honor to transmit to you, herewith, a Copy of the Report of the Hon. the Minister of Justice, upon which the Order of His Excellency the Governor General, of the 22nd inst., disallowing the Act of the Legislature of the Province of Ontario, intituled: "An Act respecting the administration of justice in the northerly and westerly parts of Ontario," was passed.

I have, &c.,

J. C. AIKINS, Secretary of State.

To His Honor the Lieutenant-Governor of Ontario, Toronto.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 14th February, 1881.*

On a Report, dated 3rd February, 1881, from the Honorable the Minister of Justice, upon the Statutes, passed by the Legislature of the Province of Ontario, in the year 1880, consisting of Chapters one to 83 inclusive;

The Minister recommends that these Acts be left to their operation, with the exception of Cap. 10: "An Act to abolish priority of and amongst execution

creditors," with respect to which the Minister states that a separate Report will be made.

The Committee submit the above recommendation for Your Excellency's approval.

J. O. COTÉ, C. P. C.

The Hon. the Secretary of State.

*Copy of a Report of a Committee of the Honorab'le the Privy Council, approved by His Excellency the Governor General in Council, on the 24th March, 1881.*

On a Report, dated 11th March, 1881, from the Hon. the Minister of Justice, upon Cap. 10 of the Statutes of Ontario, passed in the forty-third year of Her Majesty's reign, A. D. 1880, intituled: "An Act to abolish priority of and amongst execution creditors;"

The Minister states that, taking this Act section by section, much can be said in favor of the view, that its provisions are within the legislative authority of the Provincial Legislature, but that, taking its effect as a whole, much can be said in support of the contention that it entrenches upon the subject of Bankruptcy and Insolvency, over which the Parliament of Canada has exclusive legislative authority.

That, in view of the doubts which exist with respect to the matter; in view, also, of the fact that the Insolvency Laws of the Dominion have been repealed; in view, also, of the provisions of Section 28 of the Act which provides that it is not intended to interfere with the Insolvency Laws which may, from time to time, be in force, but is intended to be subject, as aforesaid, to apply to all debtors, whether insolvent or not; in view, also, of the fact that if the power of disallowance be not exercised, and any person wishing to test the constitutionality of the Act in any of the Courts will be at liberty to do so, he, the Minister, recommends that the power of disallowance be not exercised with respect to the said Act.

The Committee concur in the foregoing recommendation, and submit the same for Your Excellency's approval.

J. O. COTÉ, C. P. C.

The Honorable the Secretary of State.

31st March, 1881.

SIR,—I have the honor to transmit to you herewith, for the information of your Government, a copy of an order of His Excellency the Governor General in Council, in reference to the Act of the Legislature of the Province of Ontario, Cap. 10, passed in the 43rd year of Her Majesty's reign, A. D. 1880, intituled: "An Act to abolish priority of and amongst execution creditors."

I have, &c.,

JOHN O'CONNOR, Secretary of State.

To His Honor the Lieut.-Governor of Ontario, Toronto.

GOVERNMENT HOUSE, TORONTO, 2nd April, 1881.

SIR,—I have the honor to acknowledge the receipt of your despatch of 31st March, transmitting a copy of an order of His Excellency the Governor General in Council, in reference to the Act of the Legislature of the Province of Ontario, Cap. 10, passed in the 43rd year of Her Majesty's reign, A. D. 1880, intituled: "An Act to abolish priority of and amongst execution creditors."

I have the honor to be, Sir, your obedient servant,

J. B. ROBINSON, Lieutenant-Governor.

Hon. Secretary of State (Canada,) Ottawa.

REPORTS OF THE MINISTER OF JUSTICE, ORDERS IN COUNCIL AND  
CORRESPONDENCE RELATING TO THE ACTS OF THE LEGISLA-  
TURE OF THE PROVINCE OF QUEBEC.

DEPARTMENT OF JUSTICE, OTTAWA, 5th November, 1877.

With reference to the Acts passed by the Legislature of the Province of Quebec in the Session held in the fortieth year of Her Majesty's reign, being the second Session of the third Parliament of that Province, I beg to report that after a careful examination I am of opinion that they are all unobjectionable.

R. LAFLAMME, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 13th March, 1879.

I have the honor to report upon the following Acts, passed by the Legislature held in the 41st year (1878) of Her Majesty's reign, namely:—

Cap. 1.—“An Act respecting the Consolidated Railway Fund of this Province (40 Vic., Cap. 2.)”

Cap. 2.—“An Act to further amend the law respecting subsidies in money made to certain railway companies.” These two Acts appear to be within the competence of the Local Legislature to pass.

Cap. 3.—“An Act to amend and consolidate the Quebec License Act and its amendments.”

This Act makes very extensive provisions respecting licenses, and many in some respects entrench upon the exclusive legislative authority of the Parliament of Canada, most of the provisions, however, are clearly within the powers of a Provincial Legislature and it is by no means clear that all the provisions are not within those powers, no interference with Dominion interests will be likely to take place by the Act being left to its operation, and as those who are taxed or attempted to be taxed under any of its clauses which may be considered, *ultra vires* will have the privilege of disputing before the Courts the constitutionality of the provisions, I recommend that the Act be left to its operation. I recommend, however, that the Quebec Government be informed that in leaving the Act to its operation no admission is made on the part of this Government, that all its provisions are in the powers of the Provincial Legislature.

Cap. 4.—“An Act respecting the sale of lands for the working of mines of phosphate of lime, amending the Act 32 Vic., Cap. 11.”

Cap. 5.—“An Act to further amend the Act respecting agricultural and public works (32 Vic., Cap. 15.)”

Cap. 6.—“An Act to further amend the laws respecting public instruction in this Province.”

Cap. 7.—“An Act to amend the Act 40 Vic., Cap. 2., amending the law respecting public instruction as respects the City of Sherbrooke.”

Cap. 8.—“An Act respecting the Registers of Civil Status.”

Cap. 9.—“An Act to declare valid certain sales of moveables belonging to successions.”

Cap. 10.—“An Act respecting the proof of heirship.”

Cap. 11.—“An Act respecting the notification for, and the attendance at the removal of seals and inventories.”

Cap. 12.—“An Act to amend Article 873 of the Code of Civil Procedure.”

Cap. 13.—“An Act to amend Article 997 of the Code of Civil Procedure, relating to suits against certain Corporations.”

Cap. 14.—“An Act to provide for the issue of the writ of inspection in certain cases, and to regulate the procedure in relation thereto.”

Cap. 15.—“An Act to provide for the giving notice of Sheriff's sales hypothecary creditors.”

Cap. 16.—“An Act respecting the indemnity to petit jurors, in criminal cases.”

Cap. 17.—“ An Act to amend the Act respecting Commissioners Courts for the summary trial of small cases.”

Cap. 18.—“ An Act to amend certain articles of the Municipal Code of the Province of Quebec.”

Cap. 19.—“ An Act to amend the Act of this Province 32 Victoria, Cap. 51, respecting Railways.”

Cap. 20.—“ An Act to amend Chapter 69 of the Consolidated Statutes for Lower Canada, respecting Building Societies in the Province of Quebec.”

Cap. 21.—“ An Act to amend Chapter 70 of the Consolidated Statutes for Lower Canada, intituled: ‘ An Act respecting Joint Stock Companies for the construction of roads and certain other works.’ ”

Cap. 22.—“ An Act to amend the Act respecting the incorporation of Joint Stock Companies (31 Vict., Cap. 25.)”

Cap. 23.—“ An Act to amend the Act, 40 Vict., Cap. 26, relating to the profession of Medicine and Surgery in Province of Quebec.”

Cap. 24.—“ An Act to incorporate The Chapter of the Cathedral of St. Hyacinthe.”

Cap. 25.—“ An Act to annex to the municipality of the Village of Ste. Rose, certain lands situate in the municipality of the Parish of Ste. Rose, in the County of Laval, for all municipal and school purposes.”

These twenty-two Acts should be left to their operation.

Cap. 26.—“ An Act to define and regulate the limits of certain municipalities and parishes in the Counties of Nicolet, Arthabaska and Drummond, and to include in the County of Nicolet, the portions of these municipalities and parishes which are now included therein.”

The objects of this Act sufficiently appear from the title, and with the exception of Section 11, the Act requires no special mention. I think it proper to refer to that section, not for the purpose of recommending any change therein, as the section is harmless, but, because I think it objectionable to attempt to deal in Provincial legislation with the rights of voters at Federal Elections. The section is as follows:

“ If, at the time of any Federal or Local election, the said municipality or portions of municipalities shall vote for such election at the places where they would have had the right to vote if this Act had not been passed.” From the way in which the section is worded, no inconvenience is likely to arise by reason of the reference to Federal elections, but it would, I think, be better that in future no reference to Federal elections should be made in any Act which deals with Provincial electoral districts or the rights of voters at Local or Provincial elections. Such legislation would have no effect upon Federal elections, except in so far as the Dominion Statutes might provide, yet it might cause misunderstanding and trouble. I recommend that the attention of the Quebec Government be called to these remarks.

Cap. 27.—“ An Act to amend Cap. 51 of 37 Victoria, Province of Quebec, intituled: ‘ An Act to revise and consolidate the Charter of the City of Montreal and the several Acts amending the same.’ ”

Cap. 28.—“ An Act to incorporate the Municipality of the Parish of Côté St. Paul.”

Cap. 29.—“ An Act to incorporate the Municipality of the Village de St. Louis du Mile End.”

Cap. 30.—“ An Act to amend the Act of incorporation of the City of Three Rivers (38 Vic., Cap. 76.)”

Cap. 31.—“ An Act to amend Sub-section 31 of Section 1 of Cap. 75 of the Consolidated Statutes for Lower Canada.”

Cap. 32.—“ An Act to amend the Act of the late Province of Canada, 12 Vict., Cap. 137, incorporating the Corporation of La Communauté des Sœurs de Ste. Croix, in the Parish of St. Laurent, in the District of Montreal, for Educational purposes.”

Cap. 33.—“ An Act to incorporate the Ouare de St. Joseph de la Déliverance.”

Cap. 34.—“ An Act to incorporate the Society of Union St. Joseph de Notre Dame de Beauport.”

- Cap. 35.—“ An Act to incorporate the Society called L'Union St. Joseph de Lachino.”
- Cap. 36.—“ An Act to incorporate the Union Saint Jean Baptiste du Village de Buckingham in the Parish of Saint Grégoire de Nazianze.”
- Cap. 37.—“ An Act to incorporate Le Cercle Catholique de Quebec.”
- Cap. 38.—“ An Act to incorporate Le Cercle St. Louis, of Three Rivers.”
- Cap. 39.—“ An Act to authorize the Ministers of the Church calling themselves The Reformed Episcopal Church in Canada, in the Province of Quebec, to keep registers of Baptisms, Marriages and Burials.”
- Cap. 40.—“ An Act to amend the Act incorporating the Trustees of the American Presbyterian Society of Montreal.”
- Cap. 41.—“ An Act to amend the Act 32 Vict., Cap. 89, intituled: ‘ An Act to incorporate the Protestant Institution for Deaf Mutes and for the Blind.’ ”
- Cap. 42.—“ An Act to change the name of ‘ The Montreal Infants’ School Association,’ to that of ‘ The Boys’ Home of Montreal,’ and for other purposes.”
- Cap. 43.—“ An Act to incorporate the Quebec Young Men’s Christian Association.”
- Cap. 44.—“ An Act to amend the Act respecting the Methodist Church of Canada (38 Victoria, Cap. 60.)”
- Cap. 45.—“ An Act to enable the Minister and Trustees of the St. Andrew’s Church, Montreal, to borrow money and hypothecate the property of said Church.”
- Cap. 46.—“ An Act to amend the Act, 20 Vict., Cap. 125, respecting the Quebec North Shore Turnpike Roads.”
- Cap. 47.—“ An Act further to amend the Act incorporating the City Passenger Railway Company of Montreal, and to cancel the unpaid stocks thereof.”
- Cap. 48.—“ An Act to incorporate ‘ The St. Lawrence, Lower Laurentian and Saguenay Railway Company.’ ”
- Cap. 49.—“ An Act to incorporate the Montreal Railway Company.”
- Cap. 50.—“ An Act to amend the Acts relating to the Mutual Assurance Association of the Fabriques of the Dioceses of Quebec and Three Rivers, and of the Dioceses of Montreal and St. Hyacinthe.”
- Cap. 51.—“ An Act to legalize certain preliminaries in the incorporation of the Montreal Fire Insurance Company of the Counties of Shefford and Brome, and to change the name of the said Company.”
- Cap. 52.—“ An Act to incorporate the Beet Sugar Company of the Province of Quebec.”
- Cap. 53.—“ An Act to amend the Act 31st Vic., Cap. 41, incorporating the Montreal Building Association by changing the name, and extending the powers thereof.”
- Cap. 54.—“ An Act to incorporate the Orford Nickel and Copper Company.”
- Cap. 55.—“ An Act to incorporate the Sherbrooke Nickel and Phosphate Mining Company.”
- Cap. 56.—“ An Act to authorize the Adams Tobacco Company to borrow money.”
- Cap. 57.—“ An Act to authorize the V. Hudon Cotton Mills Company, Hochelaga, to appoint trustees to insure its property, for the protection of the holders of the debentures of the said Company, and for other purposes.”
- Cap. 58.—“ An Act to authorize the sale of immovable property, substituted by the late Jean Baptiste Quesnel.”
- Cap. 59.—“ An Act to authorize the executor of the wills of the late William Petry the elder, and William Petry the younger, and the curator of substitution created thereunder, to change certain investments now made.”
- Cap. 60.—“ An Act to authorize the Board of Notaries to admit Louis Thomas Laroche to the practice of the Notarial Profession.”
- Cap. 61.—“ An Act to authorize the Bar of the Province of Quebec to admit Michael J. F. Quinn to the practice of the profession of Advocate.”

These thirty-five Acts should be left to their operation.

I concur,

JAS. McDONALD, M. J.

Z. A. LASH, D. M. J.

## DEPARTMENT OF JUSTICE, OTTAWA, July 18th, 1879.

I have the honor to report that, having examined the fifteen Acts passed by the Legislature of the Province of Quebec, in the year 41-42 Victoria (first Session of the Fourth Legislature), and chaptered one to fifteen inclusive, I see no reason why the power of disallowance should be exercised in respect of any of such Acts. I, therefore recommend that they be left to their operation.

Z. A. LASH, D. M. J.

I concur,

G. BABY, acting M. of J.

## DEPARTMENT OF JUSTICE, OTTAWA, 13th Nov. 1880.

I have the honor to report upon the Acts passed by the Legislature of the Province of Quebec, in the second Session of the Fourth Parliament (1879,) as follows:—

Cap. 1.—“An Act granting to Her Majesty the moneys required for the expenses of the Government, for the financial year ending on the 30th June, 1880, and for other purposes connected with the public service.”

Cap. 2.—“An Act to amend the Quebec Railway Act, 1869.”

Cap. 3.—“An Act to amend the Quebec License Law of 1878 (41 Vic., Cap. 3.)

Cap. 4.—“An Act respecting the closing of taverns on Sundays, and at certain hours on other days.”

Cap. 5.—“An Act to amend the Act 31 Vic., Cap. 9, respecting the Treasury Department, and the public revenue expenditure and accounts.”

Cap. 6.—“An Act to amend the Acts respecting the security to be given by public officers in this Province. (32 Vic., Cap. 9, and 36 Vic., Cap. 15).”

Cap. 7.—“An Act to repeal the Act 41 Vic., Cap. 16, and to amend Section 16 of the Consolidated Statutes for Lower Canada, Cap. 109, respecting the indemnity to petty jurors in criminal cases.

Cap. 8.—“An Act to further amend the Act respecting the Department of Agriculture and Public Works (32 Vic., cap. 15).”

Cap. 9.—“An Act to encourage Colonization Societies in the Cities of Quebec and Montreal, to assist workmen and their families.”

Cap. 10.—“An Act to amend the Acts respecting the sale of lands for the working of Phosphate Mines.”

Cap. 11.—“An Act to amend the Gold Mines Act.”

Cap. 12.—“An Act respecting Coroners' Inquests.”

Cap. 13.—“An Act respecting Lunatic Asylums in the Province of Quebec subsidized by the Government.”

Cap. 14.—“An Act to amend the Laws respecting Public Instruction in this Province, as to the Schools placed under the control of the Board of Roman Catholic School Commissioners of the City of Montreal.”

Cap. 15.—“An Act to amend the Quebec Election Act.”

Cap. 16.—“An Act to amend certain Articles of the Civil Code.”

Cap. 17.—“An Act to amend Article 2,098 of the Civil Code.”

Cap. 18.—“An Act respecting the contract of Pledge.”

Cap. 19.—“An Act to amend two and three of the Code of Civil Procedure, respecting non judicial days.”

Cap. 20.—“An Act to amend Article 49 of the Code of Civil Procedure.”

Cap. 21.—“An Act to amend Article 1,068 of the Code of Civil Procedure with respect to the service and execution of certain writs issued out of the Circuit Court in certain cases.”

Cap. 22.—“An Act to amend the Municipal Code of the Province of Quebec.”

Cap. 23.—“An Act to secure the publicity of seizures of Real Estate.”

Cap. 24.—“An Act respecting the sale of immovables by Sheriffs in the Province of Quebec.”

Cap. 25.—“An Act respecting the sale of immovables within the limits of the late Parish of Montreal.”

Cap. 26.—“An Act respecting the sale of Securities belonging to persons not in the exercise of their Civil Rights.”

Cap. 27.—“An Act respecting the cancellation of the Registration of Real Estate Rights.”

Cap. 28.—“An Act to amend the Act of this Province, 33 Vic., Cap. 26, intituled: ‘An Act to provide for the interdiction and cure of Habitual Drunkards.’”

Cap. 29.—“An Act respecting Trusts.”

Cap. 30.—“An Act defining the investments to be made by Administrators.”

Cap. 31.—“An Act respecting the voluntary winding up of Joint Stock Companies.”

Cap. 32.—“An Act establishing further provisions relative to Building Societies in the Province of Quebec, and providing for the liquidation of their affairs.”

Cap. 33.—“An Act to ratify the proceedings on liquidation of certain Building Societies.”

Cap. 34.—“An Act to permit certain Corporations to employ more profitably the Real Estate in their possession.”

Cap. 35.—“An Act to amend the Act of this Province, 39 Vic., Cap. 33, intituled: ‘An Act to amend and consolidate the various Acts respecting the Notarial Profession in this Province.’”

Cap. 36.—“An Act to render valid certain Notarial Deeds.”

Cap. 37.—“An Act to further amend and consolidate the Acts relating to the profession of Medicine and Surgery in the Province of Quebec.”

Cap. 38.—“An Act to further amend Cap. 76 of the Consolidated Statutes of Canada, respecting the practice of Medicine, Surgery and the study of Anatomy.”

Cap. 39.—“An Act to establish Mutual Assurance Companies.”

Cap. 40.—“An Act to amend the Act of the late Province of Canada, 24 Vic., Cap. 32, respecting Mutual Assurance Companies.”

Cap. 41.—“An Act to amend Chapter 18 of the Consolidated Statutes of Lower Canada, respecting the erection of Parishes.”

Cap. 42.—“An Act to authorize Municipal Corporations to use the Sinking Fund which they are obliged to invest, for the redemption of bonds issued by them.”

Cap. 43.—“An Act to change the name of the Municipality of the Village of Notre Dame de Grâces and to extend its powers.”

Cap. 44.—“An Act to declare the whole Parish of Ste. Marie Madeline to be situated in the County of St. Hyacinthe, and also to erect such Parish into a Municipality.”

Cap. 45.—“An Act to annex that portion of the Parish of St. Eugene which lies in the County of Bagot, to the County of Drummond, for all purposes, and to erect the said Parish into a Municipality.”

Cap. 46.—“An Act to amend the Act to adjust the boundary lines and settle the titles in certain ranges of the Township of Grenville.”

Cap. 47.—“An Act to amend Cap. 75 of the Consolidated Statutes for Lower Canada, respecting the division line between the Counties of Charlevoix and Montmorency.”

Cap. 48.—“An Act to amend Cap. 75 of the Consolidated Statutes for Lower Canada respecting the division line between the Counties of Compton and Beauce.”

Cap. 49.—“An Act to amend Cap. 75 of the Consolidated Statutes for Lower Canada, respecting the division line between the Counties of Bellechasse and Dorchester.”

Cap. 50.—“An Act to amend the Act of Incorporation of the St. Lawrence and Industry Village Railway Company.”

Cap. 51.—“An Act to incorporate the ‘Ottawa and Gatineau Valley Railroad Company.’”

Cap. 52.—“An Act to amend the Act intituled: ‘An Act to incorporate the Parish of Laprairie Turnpike Road Company.’”



Cap. 53.—“ An Act to amend the Charter of the City of Montreal.”

Cap. 54.—“ An Act to amend the Act passed during the present Session intituled : “ An Act to amend the Charter of the City of Montreal.”

Cap. 55.—“ An Act to amend the Act incorporating the City of Three Rivers, 33 Vic. Cap. 76.”

Cap. 56.—“ An Act to amend the Act to incorporate the City of Hull, 38 Vic. Cap. 79, and the Act 39 Vic. Cap. 49 amending the said Act.”

Cap. 57.—“ An Act to amend the Act 36 Vic. Cap. 60, intituled : “ An Act to consolidate and amend the Act to incorporate the Town of Levis and the divers Acts amending the same.

I recommend that the power of disallowance be not exercised with respect to the above Acts.

Cap. 58.—“ An Act to consolidate and amend the Act incorporating the Town of St. Henri.”

I recommend that the power of disallowance be not exercised with respect to this Act, but it seems proper to remark that some of the provisions of Section 15, especially Sub-sections 7 and 8 appear to entrench upon the regulation of trade and commerce, legislative authority over which is vested in the Dominion Parliament. Inasmuch however, as it will be competent for any person objecting to a tax imposed under the authority of this Statute to raise the question in some Court of law, and as the general subject is now before the Supreme Court for decision in the case of Jones vs Gilbert, it would not be proper to recommend the disallowance of the Act.

I recommend that the attention of the Lieutenant-Governor be called to these remarks.

Cap. 59.—“ An Act to amend the Acts 23 Vic., Cap. 75, and 36 Vic., Cap. 58, respecting the incorporation of the Town of Sorel.”

I recommend that the power of disallowance be not exercised with respect to this Act.

Cap. 60.—“ An Act to amend the Act incorporating the City of Sherbrooke, (39 Vic., Cap. 50.”

I recommend that the power of disallowance be not exercised with respect to this Act, but that the attention of the Lieutenant-Governor be called to the provisions of Section 9, which seem to entrench upon the subject of interest, which by the B.N.A. Act, 1867, is placed within the exclusive legislative control of the Parliament of Canada.

Cap. 61.—“ An Act to incorporate the Town of Chicoutimi.”

Cap. 62.—“ An Act to amend the Act 37 Vic., Cap. 48, intituled : ‘ An Act to incorporate the Town of Salaberry of Valleyfield.’ ”

Cap. 63.—“ An Act to amend the Act to incorporate the Town of Nicolet.”

Cap. 64.—“ An Act to incorporate the Seminary of Chicoutimi.”

Cap. 65.—“ An Act to incorporate the ‘ Séminaire de St. Charles Borromée de Sherbrooke.’ ”

Cap. 66.—“ An Act to incorporate the ‘ Ecclesiastical Society of St. Joseph,’ in the Diocese of Quebec.”

Cap. 67.—“ An Act to incorporate the Community of the ‘ Religieuses Carmélites d’Hochelega.’ ”

Cap. 68.—“ An Act to authorize the Ministers of the Church known as the ‘ Scandinavian Church,’ to keep registers of baptisms, marriages and burials, in the Province of Quebec.”

Cap. 69.—“ An Act to extend the powers granted to the Provincial Synod of the Anglican Church, by the Act of the late Province of Canada, 29 and 30 Vic., Cap. 15, to the Diocesan Synod of Quebec, in so far as it relates to Church property in the said Diocese.”

Cap. 70.—“ An Act to enable the Trustees and Members of Zion Church, Montreal, to further hypothecate certain property of the said Church.”

Cap. 71.—“ An Act to incorporate ‘ The Montreal College of Pharmacy.’ ”

Cap. 72.—“ An Act to incorporate the ‘ Montreal Diocesan Theological College.’ ”

Cap. 73.—“An Act to incorporate ‘The Wesleyan Theological College of Montreal.’”

Cap. 74.—“An Act to incorporate the ‘Bishop’s College School Association.’”

Cap. 75.—“An Act to facilitate the management of the Knowlton Academy, to provide for its incorporation and for other purposes.”

Cap. 76.—“An Act to provide for the transfer of the ownership of the Roman Catholic Cemetery, of the Parish of St. Hyacinthe le Confesseur from the hands of the Trustees of the said Parish, into those of the Roman Catholic Episcopal Corporation of St. Hyacinthe, and for the management, administration and maintenance of the said Cemetery.”

Cap. 77.—“An Act to incorporate the ‘Société de Secours Mutuels des Français à Montréal.’”

Cap. 78.—“An Act to incorporate ‘The Montreal Society of Decorative Art.’”

Cap. 79.—“An Act to amend the Act incorporating ‘The Windsor Hotel Company of Montreal.’”

Cap. 80.—“An Act to incorporate the Coaticook Cotton Company, and to ratify By-law No. 74 of the Village of Coaticook granting aid to said Company.”

Cap. 81.—“An Act to amend the Act incorporating the ‘New City Gas Company of Montreal,’ and the various Acts amending the same, to change the name of the Company and extend the powers thereof.”

Cap. 82.—“An Act to amend the Act incorporating the Beebe Plain Advent Camp Meeting Association (40 Vic. Cap. 54.)”

Cap. 83.—“An Act to incorporate the Association known as ‘Le Club de Québec.’”

Cap. 84.—“An Act to incorporate the Quebec Elevator Company.”

Cap. 85.—“An Act to incorporate ‘L’Union Commerciale de Québec.’”

Cap. 86.—“An Act to authorize the sale of certain real estate substituted by the donation of the late Alpheus Kimpton and Letetta Lenay in favor of the children and issue of the late Walter Kimpton.”

Cap. 87.—“An Act to authorize the Provincial Board of Notaries to admit George Siméon Théberge, to the practice of the notarial profession.”

I recommend that the power of disallowance be not exercised with respect to the above Acts.

JAS. McDONALD, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 25th August, 1881.

The undersigned has the honor to report:—

With respect to the Acts passed by the Legislature of the Province of Quebec in the year 1880, being chapters one to one hundred and five inclusive, the undersigned has the honor to recommend that the power of disallowance be not exercised with regard to any of such Acts.

Humbly submitted,

A. CAMPBELL, Minister of Justice.

To His Excellency the Governor General in Council.

*Copy of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 23rd March, 1879.*

The Committee of Council have had before them a Report dated 13th March, 1879, from the Hon. the Minister of Justice upon Acts passed by the Legislature of the Province of Quebec in the 3rd Session of the Legislature held in the 41st year of Her Majesty’s reign (1878), and they recommend that the Acts submitted by the Minister of Justice be left to their operation, and that the attention of the Quebec Government be called to the remarks of the Minister of Justice in said Report.

W. A. HIMSWORTH, C.P.C.

To the Honorable the Secretary of State.

D. S. S., 28th March, 1879.

(Translation.)

SIR,—Transmitting you herewith a copy of an Order of the Hon. the Privy Council, dated the 28th instant, in relation to the Acts passed by the Legislature of the Province of Quebec in the 3rd Session, held in the 41st year of Her Majesty's reign (1878). I have the honor to call the attention of your Government to the remarks contained in the report made on the 13th instant by the Hon. the Minister of Justice, upon the said Acts, and of which a copy is also herewith enclosed.

I have the honor, &c.,

J. C. AIKINS, S. S.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 22nd July, 1879.*

On a Report dated 18th July, 1879, from the Hon. Mr. Baby, Acting Minister of Justice, stating that having examined the fifteen Acts passed by the Legislature of the Province of Quebec in the year 41—42 Vic. (First Session of the Fourth Legislature) and chaptered one to fifteen inclusive, he sees no reason why the power of disallowance should be exercised in respect of any such Acts, and he therefore recommends that they be left to their operation,

The Committee submit the above recommendation for Your Excellency's approval.

W. A. HIMSWORTH, C. P. C.

The Honorable the Secretary of State.

GOVERNMENT HOUSE, Quebec, 28th July, 1880.

(Translation.)

SIR,—I have the honor to enclose a certified copy of a Bill of the Legislature of Quebec, which I sanctioned on the 24th July, instant, to incorporate Le Credit Foncier Canadien.

You are requested to submit it for the consideration of His Excellency the Governor General.

I have the honor to be, Sir,

Your obedient servant,

THEODORE ROBITAILLE, Lieutenant Governor.

The Honorable the Secretary of State, Ottawa.

OTTAWA, 30th July, 1880.

(Translation.)

SIR,—I have the honor to acknowledge the receipt of your dispatch dated the 28th instant, with a certified copy of a Bill of the Legislature of Quebec to incorporate Le Credit Foncier Franco-Canadien.

I have the honor to be, Sir, your obedient servant,

J. C. AIKINS, Secretary of State.

His Honor the Lieutenant-Governor of the Province of Quebec.

DEPARTMENT OF JUSTICE, OTTAWA, Aug. 3rd, 1880.

SIR,—I am directed by the Hon. Mr. Baby (acting Minister of Justice) to request the Hon. the Secretary of State to inform the Lieutenant-Governor of Quebec with reference to the Act passed at the last Session of the Quebec Legislature, intitled "An Act to incorporate the Credit Foncier Franco-Canadien," that the power of disallowance will not be exercised.

Z. A. LASH, D. M. J.

3rd August, 1880.

(Translation.)

SIR,—With reference to your despatch of the 28th ultimo, transmitting a copy of an Act, passed by the Legislature of the Province of Quebec, at its last Session, intituled: "An Act to incorporate Le Crédit Foncier Franco-Canadien."

I have the honor to state, for the information of your Government, that the power of disallowance will not be exercised as regards the said Act.

J. C. AIKINS, Secretary of State.

His Honor the Lieut.-Governor of the Province of Quebec.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 19th November, 1880.*

The Committee of Council have had before them a Report, dated 13th November, 1880, from the Hon. the Minister of Justice, upon the Acts passed by the Legislature of the Province of Quebec, in the Second Session of the Fourth Parliament (1879), Chapters 1 to 87 inclusive.

The Minister recommends that the power of disallowance be not exercised in respect of these Acts, and that the attention of the Lieutenant-Governor be called to the remarks contained in the said report, respecting the Acts Chapters 58 and 60.

The Committee submit the above recommendation for Your Excellency's approval.

J. O. COTÉ, C.P.C.

The Honorable the Secretary of State.

25th November, 1880.

(Translation.)

SIR,—I have the honor to enclose a copy of an order of the Honorable the Privy Council, dated the 19th instant, together with the report, &c., from the Honorable the Minister of Justice therein mentioned, in relation to the Acts passed by the Legislature of the Province of Quebec, in the Second Session of the Fourth Parliament, and numbered 1 to 87 inclusively.

I have the honor, &c.,

EDOUARD J. LANGEVIN, Under Secretary of State.

His Honor the Lieut.-Governor of the Province of Quebec, Quebec.

GOVERNMENT HOUSE, QUEBEC, 29th Nov., 1879.

(Translation.)

SIR,—I have the honor to send you by this day's mail the fyle of Bills sanctioned by me at the last Session of the Legislature of Quebec, requesting you to submit them for the consideration of His Excellency the Governor General.

I have the honor to be, Sir, your obedient servant,

THEODORE ROBITAILLE, Lieutenant Governor.

The Honorable the Secretary of State, Ottawa.

GOVERNMENT HOUSE, QUEBEC, 27th Nov., 1880.

(Translation.)

SIR,—I have the honor to acknowledge the receipt of your despatch (2,274, Series 6,377), dated the 25th instant, transmitting a copy of an order of the Honorable the Privy Council, dated the 19th instant, and of the report from the Honorable the

Minister of Justice, in relation to the Acts passed by the Legislature of Quebec during the Second Session of the Fourth Parliament, and numbered 1 to 87 inclusively.

I have the honor to be, Sir, your obedient servant,  
THEODORE ROBITAILLE, Lieutenant-Governor.

The Hon. the Secretary of State, Ottawa.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by the Deputy of His Excellency the Governor General in Council, on the 3rd September, 1881.*

On a Report dated 25th August, 1881, from the Hon. the Minister of Justice, recommending, with respect to the Acts passed by the Legislature of the Province of Quebec, in the year 1880, being Caps. 1 to 105 inclusive, that the power of disallowance be not exercised with regard to any of such Acts.

The Committee submit the above recommendation for approval.

J. O. COTÉ, C.P.C.

The Hon. the Secretary of State.

GOVERNMENT HOUSE, QUEBEC, August, 1880.

(Translation.)

SIR,—I have the honor to transmit to you by this day's mail the file of Bills I sanctioned on the 24th July last, the day of the prorogation of the Parliament of the Province of Quebec.

I beg that you will submit them for the consideration of His Excellency the Governor General.

I have the honor to be, Sir, your obedient servant,

THEODORE ROBITAILLE, Lieutenant-Governor.

The Hon. the Secretary of State.

OTTAWA, 8th September, 1881.

(Translation.)

SIR,—I have the honor to enclose a copy of an Order of the Honorable the Privy Council, dated the 3rd instant, in relation to the Acts passed by the Legislature of Quebec in the year 1880.

I have the honor to be, Sir, your obedient servant,

HECTOR L. LANGEVIN, for the Secretary of State.

His Honor the Lieutenant-Governor of the Province of Quebec, Quebec.

REPORTS OF THE MINISTER OF JUSTICE, ORDERS IN COUNCIL AND  
CORRESPONDENCE RELATING TO THE ACTS OF THE LEGISLATURE  
OF THE PROVINCE OF NOVA SCOTIA.

DEPARTMENT OF JUSTICE, OTTAWA, 27th March, 1878.

I beg to report upon the Acts of the Legislature of the Province of Nova Scotia passed in the fortieth year of Her Majesty's reign (1877), received by the Secretary of State, on the 10th day of July, 1877, as follows:—

Cap. 1.—“An Act to empower the Lieutenant-Governor of the Province, in Council, to alter and change the Great Seal of the Province from time to time.”

Cap. 2.—“An Act to ratify and confirm certain Acts and proceedings heretofore had and done under the Great Seal of the Province.”

Cap. 3.—“An Act to provide for the transfer of the duties of Commissioner of Crown Lands to the Attorney General.”

Cap. 4.—“An Act to amend and repeal certain enactments of the Legislature of Nova Scotia.”

Cap. 5.—“An Act to amend Cap. 94 of the Revised Statutes of Pleadings and Practice in the Supreme Court.

Cap. 6.—“An Act to amend an Act to establish County Courts.”

Cap. 7.—“An Act to amend Cap. 104 of the Revised Statutes of the sale of lands under execution.”

Cap. 8.—“An Act to amend Cap. 91 of the Revised Statutes of the jurisdiction of justices of the peace in civil cases.”

Cap. 9.—“An Act to amend Cap. 129 of the Revised Statutes, Third Series, of Stipendiary or Police Magistrates.”

Cap. 10.—“An Act to further amend Cap. 92 of the Revised Statutes of juries and the Acts in amendment thereof.”

Cap. 11.—“An Act to legalize jury lists and panels for the present year.”

Cap. 12.—“An Act to legalize assessment rolls and revisors lists for the present year.”

Cap. 13.—“An Act to further alter and amend Cap. 32 of the Revised Statutes of Public Instruction and the Acts in amendment thereof.”

Cap. 14.—“An Act to amend Cap. 28 of the Acts of 1876, intituled ‘An Act to establish a Provincial University.’”

Cap. 15.—“An Act to amend Cap. 35 of the Revised Statutes of the maintenance of Bastard Children.”

Cap. 16.—“An Act to repeal Part Second of Cap. 11 of the Revised Statutes of Free Grants and Homesteads.”

Cap. 17.—“An Act to amend Cap. 36 of the Revised Statutes of Lunatics and the Custody and Estates of Lunatics.”

Cap. 18.—“An Act to amend Cap. 75 of the Revised Statutes of Licenses for the Sale of Intoxicating Liquors.”

Cap. 19.—“An Act to enable Counties or Districts to borrow money for the erection of Industrial and Agricultural Exhibition Buildings.”

Cap. 20.—“An Act to amend Cap. 40 of the Revised Statutes of Commissioners of Sewers and of Dykes and Marsh Lands.”

Cap. 21.—“An Act to amend Cap. 28 of the Revised Statutes of Practitioners in Medicine and Surgery.”

Cap. 22.—“An Act to repeal Section 4 of Cap. 19, of the Revised Statutes of Coroners.”

Cap. 23.—“An Act to amend Cap. 15, of the Revised Statutes of the Boundaries of Counties, Districts and Townships.”

Cap. 24.—“An Act to alter and amend Cap. 34 of the Revised Statutes of Poor Districts.”

To the above Acts there appears to be no objection. I recommend that they be left to their operation.

Cap. 25.—“An Act further to amend the laws for the preservation of useful birds and animals.”

The subject matter of this Act comes, I think, within the Legislative authority of the Provincial Legislature, and is therefore free from objection so far as its constitutionality is concerned. Objection, however, has been made on behalf of the officers of Her Majesty's army stationed at Halifax to the provisions of Section 18, which declares that such officers shall be entitled to the privileges of the game laws of the Province on payment of an annual fee of five dollars, &c. The ground of objection being not that the fee is charged but that a distinction has been made between the officers and the inhabitants of the Province generally. The late Sir W. O'Grady Haly, General Commanding the Forces in B.N.A., addressed a communication on the subject to Her Majesty's Secretary of State for War, dated 15th October, 1877. This communication was transferred to the Secretary of State for the Colonies, who, on the

30th of November, 1877, transmitted the same to His Excellency the Governor General and expressed the hope that the Provincial Government might, on further consideration of the matter, be disposed to recommend to the Legislature an amendment of the Act, so as to allow persons serving in Her Majesty's army and navy in the Province the same privileges as are granted to persons domiciled there. I recommend that copies of the communications referred to be transmitted to the Lieutenant-Governor of Nova Scotia, for the information of his government, with the request that the hope expressed by Lord Carnarvon and above alluded to may be taken into their favorable consideration.

Cap. 26.—“ An Act to alter and amend Cap. 114, of the Revised Statutes of Costs and Fees.”

Cap. 27.—“ An Act to amend the ‘ Act further to encourage the building of railways so far as relates to the road from Middleton to Lunenburg.’ ”

Cap. 28.—“ An Act to guarantee interest on Fifty thousand pounds of the A Debenture Stock of the Windsor and Annapolis Railway Company.”

Cap. 29.—“ An Act to authorize the issue of Provincial Debentures to the Western Counties Railway Company.”

Cap. 30.—“ An Act to continue and revise the provisions of certain Acts to encourage the building of certain railways.”

Cap. 31.—“ An Act to amend Cap. 70, of the Revised Statutes, third series of Provincial Government Railways.”

Cap. 32.—“ An Act to provide for defraying certain expenses of the Civil Government of this Province.”

Cap. 33.—“ An Act to authorize the issue of New Debentures by the City of Halifax.”

Cap. 34.—“ An Act to enable the City of Halifax to pay certain debts of the Citizens Free Library.”

Cap. 35.—“ An Act to authorize the issue of New Debentures by the City of Halifax.”

Cap. 36.—“ An Act to authorize a loan for the City of Halifax.”

Cap. 37.—“ An Act to authorize the City of Halifax to assess for maintenance of the Public Gardens.”

Cap. 38.—“ An Act to enable the City of Halifax to borrow money for sewerage purposes.”

Cap. 39.—“ An Act for the establishing of a High School and for other educational purposes in the City of Halifax.”

Cap. 40.—“ An Act to amend the Act entitled: ‘ An Act to incorporate the Town of Dartmouth.’ ”

Cap. 41.—“ An Act to appoint Commissioners to reappraise damages for railway property in the County of Annapolis.”

Cap. 42.—“ An Act to provide for the payment of damages assessed for railway purposes in the County of Annapolis, and to appoint Assessors to assess such damages.”

Cap. 43.—“ An Act to prevent burials within the Town of Antigonish.”

Cap. 44.—“ An Act to legalize the appointment of Overseers of the Poor in the County of Antigonish for the present year.”

Cap. 45.—“ An Act to legalize the sale of the old Lock-up House and Gaol at North Sydney, in the County of Cape Breton.”

Cap. 46.—“ An Act to change the name of Acadia Mines in the township of Londonderry.”

Cap. 47.—“ An Act to amend an Act to authorize the sale of certain School Lands in the Town of Truro, and to appoint Trustees therefor.”

Cap. 48.—“ An Act to revise the Electoral District of the County of Colchester.”

Cap. 49.—“ An Act to enable the Trustees of Public Property for the County of Cumberland to lease the Amherst Court House Grounds.”

Cap. 50.—“ An Act to amend the Act to provide for the payment of the damages assessed for railroad purposes in the District of Digby, and to appoint Assessors to assess such damages.”

Cap. 51.—“An Act to add a Polling District to the Township of Digby.”

Cap. 52.—“An Act to add a Polling District in the County of Guysborough.”

Cap. 53.—“An Act to establish a new Polling District in the County of Guysborough.”

Cap. 54.—“An Act to amend Chapter 92 of the Revised Statutes ‘of Juries,’ so far as regards the District of St. Marys.”

Cap. 55.—“An Act to divide a Polling District in the County of Hants.”

Cap. 56.—“An Act to amend Chapter 32 of the Revised Statutes of Public Instruction so far as relates to the County of Inverness.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 57.—“An Act further to amend the Act to incorporate the Town of New Glasgow.”

The first section of this Act declares that the Municipal Courts of the Town of New Glasgow shall be a Court for trial of civil causes known as the Town Court, to be presided over by the Stipendiary Magistrate, and a Court for the transaction of all police and criminal business of the town, known as the Police Court, to be presided over by the Stipendiary Magistrate, Recorder or Warden.

The fourth section provides that all fines, costs and fees shall go to form a fund out of which the salary of the Recorder and the expenses of the Court shall be defrayed, and that any deficiency shall be paid out of the general funds of the town. I had occasion to consider the right of the Local Legislatures to legislate in respect of the application of fines arising from the Criminal Law in a report on the legislation of the Province of British Columbia, dated 29th September, 1877. In that report, which was approved of, the following remarks occur, namely:—

The Act under consideration being as follows: “Notwithstanding anything to the contrary contained in any Act, Ordinance or Proclamation, it shall be lawful for every municipality paying the annual salary of a Police Magistrate and maintaining a Police Force, to retain and use as part of the municipal revenues all Police Court fines, fees and forfeitures.”

“This provision is wide enough to cover not only fines and forfeitures incurred for breach or non compliance with laws of the Province, made in relation to matters coming within the classes of subjects over which the Provincial Legislature has exclusive legislative authority, but also all fines and forfeitures which may be imposed at the Police Court under the Criminal Law of Canada, or by reason of the breach of or non-compliance with the laws of Canada.”

The 102nd section of the “British North America Act, 1867,” provides that: “All duties and revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick, before and at the Union, had and have power of appropriation, except such portion thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one consolidated revenue fund to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

“There does not appear to be any provision in the Act reserving to the Provinces the revenues derived from fines or forfeitures under the Criminal Law, and as the Parliament of Canada has exclusive legislative authority over the Criminal Law (except the constitution of Courts of criminal jurisdiction), and as that Parliament alone can alter the existing Criminal Law under which fines and forfeitures are imposed and can create new crimes punishable by fine or forfeiture, and alone increase or reduce the amounts of fines and forfeitures under the Criminal Law, or altogether abolish them, I am of opinion that the provision of this Act, so far as it attempts to control or dispose of fines and forfeitures imposed by the Criminal Law, or by any of the other laws of Canada, is *ultra vires* of the powers of the Provincial Legislature, and I recommend that the attention of the Lieutenant-Governor be called to this Act to the end that the same may at the next Session of the Provincial Legislature be repealed, or so amended as to confine it to fines and forfeitures arising under laws of



the Province made in relation to matters coming within the exclusive legislative authority of the Province, otherwise that it be disallowed."

These remarks are equally applicable to this section, and I recommend that the same course be pursued in this case as was then followed.

The eighth section of the Act, now under consideration, provides that, "The Police Court shall have and exercise, within the bounds of the municipality, all the powers and jurisdiction in criminal matters conferred upon one or more Justices of the Peace or Stipendiary or Police Magistrate, by an Act of this Province or of the Dominion of Canada."

In reporting upon a provision, of a similar nature, of an Act of the Legislature of the Province of Manitoba, the then Minister of Justice, on the 17th October, 1871, stated as follows:—

"This section provides that a Police Magistrate shall have all the powers possessed by one, two or more Justices of the Peace."

"Now, it is obvious that if one Act of the Dominion Parliament, relating to criminal law, provided for the trial of an offender before two Justices of the Peace, no Provincial Legislature has the power of amending such provision, by giving any one person, although a Judge, or Stipendiary or Police Magistrate, the power conferred by the Dominion Act on two Justices."

"It is suggested that the Act in question should be amended at the next Session of the Legislature by substituting the following words for those above quoted, viz.:— 'In addition to all the powers possessed by any one Justice of the Peace, shall also have all the powers conferred by any Statute of the Province upon two or more Justices of the Peace.'"

I recommend that the attention of the Lieutenant-Governor be called to these remarks.

Cap. 58.—"An Act to authorize the Town of New Glasgow to issue debentures."

Cap. 59.—"An Act to amend the Act to add a Polling District in the County of Pictou."

Cap. 60.—"An Act to amend Cap. 92, of the Revised Statutes 'of juries,' so far as regards the County of Richmond."

Cap. 61.—"An Act to provide for the construction of a Bridge or Embankment at Lockport, in the County of Shelburne."

Cap. 62.—"An Act to divide an Electoral District in the County of Victoria."

Cap. 63.—"An Act further to amend 'An Act to authorize the Township of Yarmouth to take stock in the Western Counties Railway Company.'"

Cap. 64.—"An Act to enable the Township of Yarmouth to sell certain real estate."

Cap. 65.—"An Act to provide for Lighting the Streets of the Town of Yarmouth."

Cap. 66.—"An Act to exempt the Township of Yarmouth from the operation of Chapter 17, of the Acts of 1876."

To these Acts there appears to be no objection, and I recommend that they be left to their operation.

Cap. 67.—"An Act to incorporate the Truro Marine Insurance Company."

This Act, by Section 11, authorizes the Directors of the Company at their office, in Truro, to commence and conduct the business of marine insurance in all its branches, with respect to vessels owned or registered, and cargoes owned or shipped in the Province of Nova Scotia, and within the said Province, to make contracts of insurance upon all subjects of marine insurance, including freights of such vessels, and to transact all matters relating to the business of a marine insurance broker, insurer or underwriter, within the Province of Nova Scotia, with respect to vessels registered or owned, and cargoes owned or shipped in the Province aforesaid, and freights of such vessels.

The power of a Local Legislature to incorporate an Insurance Company must be derived from the power given to incorporate Companies with Provincial objects, and

what is or is not a Provincial object in reference to marine insurance, is by no means easy of determination. I am not prepared to say that the powers to be conferred upon the Company, by the section in question, are not within the authority of the Provincial Legislature, and in view of the doubts which surround the subject, I recommend that the power of disallowance be not exercised in respect of this Act.

Cap. 68.—“An Act to incorporate ‘The Shipowner’s Marine Insurance Company, of Windsor. (Limited.)’”

The second section of this Act gives to the Company similar powers to those given by the eleventh section to the Company incorporated by Cap. 67. The same remarks apply to this.

Cap. 69.—“An Act to amend the Act to incorporate ‘The Maitland Marine Insurance Company.’”

This Act gives to the Maitland Marine Insurance Company similar powers to those above referred to, and the same remarks apply also to this Act.

Cap. 70.—“An Act further to amend the Acts relating to the Halifax Fire Insurance Company.”

Cap. 71.—“An Act to amend the Act to incorporate the Western Counties Railway Company, and the Acts in amendment thereof.”

Cap. 72.—“An Act to amend the Acts relating to the Western Counties Railway Company.”

Cap. 73.—“An Act to amend the Act to incorporate the Pugwash and Spring Hill Railway Company.”

Cap. 74.—“An Act to incorporate the Whitehaven Railway Company. (Limited.)”

Cap. 75.—“An Act to incorporate the New Glasgow Copper Mining Company. (Limited.)”

Cap. 76.—“An Act to incorporate the Boston Coal Mining Company (Limited.)”

Cap. 77.—“An Act to incorporate the Block House Coal Company (Limited.)”

Cap. 78.—“An Act to amend the Act to incorporate the Crown Coal, Brick and Pottery Company.”

Cap. 79.—“An Act to amend the Act to incorporate ‘The International Coal Mining Company,’ and the Acts in amendment thereof.”

Cap. 80.—“An Act to amend Cap. 73 of the Acts of 1874, intituled, ‘An Act to incorporate The Cape Breton Company (Limited.)’”

Cap. 81.—I will report upon this Act at a future day.

Cap. 82.—“An Act to incorporate the Union Protection Company, of Dartmouth.”

Cap. 83.—“An Act to amend the Act to enlarge the powers of the Trustees, Governors and Fellows of Acadia College.”

Cap. 84.—“An Act to amend the Act to incorporate the Halifax Academy of Music.”

Cap. 85.—“An Act to incorporate the Trustees of Scotch Hill Cemetery, in the County of Pictou.”

Cap. 86.—“An Act to incorporate the Nova Scotia Society for the Prevention of Cruelty to Animals.”

Cap. 87.—“An Act to vest in the Diocesan Synod of Nova Scotia, the funds held by the Diocesan Church Society.”

Cap. 88.—“An Act to authorize the sale of the First Free Baptist Meeting House, in Port Medway.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Z. A. LASH, D. M. J.

I concur,

R. L., M. J.

## DEPARTMENT OF JUSTICE, OTTAWA, 20th June, 1878.

I have the honor to report upon Cap. 81 of the Statutes, passed by the Legislative Assembly of the Province of Nova Scotia, in the year 1877, intituled: "An Act to incorporate the Bedford Grain Importation, Milling and Manufacturing Company, Limited," which Act was not reported upon in the report upon the other Acts. Consideration of the Act was reserved till information was obtained as to whether or not the Nine Mile River, referred to in the Act, is navigable or not. From information obtained from the Department of Marine and Fisheries, I learn that the river is not navigable for boats or vessels. The Act appears, therefore, to be unobjectionable, and I recommend that it be left to its operation.

Z. A. LASH, D. M. J.

I concur,  
R. L., M. J.

## DEPARTMENT OF JUSTICE, OTTAWA, 5th July, 1878.

In a Report upon the Acts of the Legislative Assembly of the Province of Nova Scotia, passed in the fortieth year of Her Majesty's reign, 1877, I pointed out certain objections to Cap. 57, intituled: "An Act further to amend the Act to incorporate the Town of New Glasgow," and recommended that the attention of the Lieutenant-Governor should be called thereto.

A despatch has been received from the Lieutenant-Governor stating that at the next Session of the Legislature his Government will promote the necessary legislation to remove the objections taken to the Act.

Relying upon this assurance, I recommend that the Act be left to its operation.

Z. A. LASH, D. M. J.

I concur.  
R. L., M. J.

## DEPARTMENT OF JUSTICE, OTTAWA, 16th June, 1879.

I have the honor to report that I have examined the Acts passed by the Legislature of the Province of Nova Scotia, in the year 1878, in the Fourth Session of the twenty-sixth General Assembly convened in the Province, chaptered 1 to 78 inclusive, being all the Acts passed in that Session.

They all seem unobjectionable, and I recommend that they be left to their operation.

*Reserved Bill.*

A Bill intituled: "An Act to incorporate the Nova Scotia District Branch of the Independent Order of Oddfellows," was also passed but was reserved by His Honor the Lieutenant-Governor for the signification of His Excellency's pleasure thereon.

In transmitting the same the Lieutenant-Governor explains that his reasons for reserving the Bill are that the fourteenth section entrenches upon the jurisdiction of the Parliament of Canada as it attempts to deal with what are unquestionably crimes, and not only does the Bill undertake to deal with criminal offences, but enacts that it should not be lawful to proceed by indictment in certain specified cases, thus not only attempting to enact a Criminal Law but undertaken to repeal part of the criminal Statutes passed by the Parliament of Canada so far as relates to cases referred to in the clause.

The provision of the Bill is clearly beyond the powers of the Provincial Legislature, and the objectionable provisions might, if allowed to remain upon the Statute Book, be the cause of considerable inconvenience and embarrassment, although they would have no force if objections to their validity were taken, that had the Bill been

assented to by the Lieutenant-Governor it would have been the duty of the Government to recommend its disallowance unless the objectionable clause were repealed. That such being the case, it is clearly the duty of the Government not to recommend that His Excellency's assent thereto be given. I recommend that the Lieutenant-Governor be so informed.

Z. A. LASH, D. M. J.

I concur.

JAS. McDONALD, M. J.

DEPARTMENT OF JUSTICE, OTTAWA, 4th June, 1880.

I have the honor to report upon the Acts of the Legislature of the Province of Nova Scotia, passed in the forty-second year of Her Majesty's reign (1879), received by the Secretary of State on the 21st day of August, 1879, as follows:—

- Cap. 1.—“ An Act intituled: ‘ The County Incorporation Act. ’ ”
- Cap. 2.—“ An Act respecting the Supreme Court of Canada and the Exchequer Court of Canada. ”
- Cap. 3.—“ An Act to amend Cap. 11 of the Revised Statutes, 4th series, of Crown Lands. ”
- Cap. 4.—“ An Act to amend Cap. 17 of the Revised Statutes, 4th series, of Sheriffs. ”
- Cap. 5.—“ An Act to amend Cap. 21 of the Revised Statutes of County Assessments. ”
- Cap. 6.—“ An Act to further amend Cap. 32 of the Revised Statutes of Public Instruction. ”
- Cap. 7.—“ An Act to amend Cap. 32 of the Revised Statutes of Public Instruction. ”
- Cap. 8.—“ An Act to amend Cap. 32 of the Revised Statutes, 4th series, of Public Instruction. ”
- Cap. 9.—“ An Act to amend Cap. 33 of the Revised Statutes, 4th series, of the Settlement and Support of the Poor. ”
- Cap. 10.—“ An Act to amend Cap. 36 of the Revised Statutes of Lunatics and the Custody and Estates of Lunatics. ”
- Cap. 11.—“ An Act to amend Cap. 48 of the Revised Statutes, 4th series, of Closing Roads. ”
- Cap. 12.—“ An Act to amend Cap. 75 of the Revised Statutes of Licenses for the sale of Intoxicating Liquors. ”
- Cap. 13.—“ An Act to amend Cap. 79 of the Revised Statutes of the Registry of Deeds and Encumbrances affecting Lands. ”
- Cap. 14.—“ An Act to amend Cap. 90 of the Revised Statutes, 4th series, of the Probate Court, and procedure therein. ”
- Cap. 15.—“ An Act to amend Cap. 96 of the Revised Statutes of Witnesses and Evidence. ”
- Cap. 16.—“ An Act to amend Cap. 101 of the Revised Statutes of the Writ of Dower. ”
- Cap. 17.—“ An Act to amend Cap. 104 of the Revised Statutes, 4th series, of the sale of Lands under Execution. ”
- Cap. 18.—“ An Act to amend Cap. 114, Revised Statutes, of Costs and Fees. ”
- Cap. 19.—“ An Act to amend the Practice and Procedure in the Supreme Court. ”
- Cap. 20.—“ An Act to further amend the Acts to establish County Courts. ”
- Cap. 21.—“ An Act relating to the Jurisdiction of Justices of the Peace in Civil Cases. ”
- I recommend that the power of disallowance be not exercised with respect to these Acts.
- Cap. 22.—“ An Act respecting Estreats. ”
- This Act will be reported upon separately.

Cap. 23.—“ An Act to amend Cap. 24 of the Acts of 1876, entitled : ‘ An Act to amend Cap. 24 of the Revised Statutes of the Church of England.’ ”

Cap. 24.—“ An Act to amend and consolidate the Laws relative to the Preservation of Useful Birds and Animals.

Cap. 25.—“ An Act to amend the Acts relating to the acknowledgment of Deeds executed out of the Province by married women.”

Cap. 26.—“ An Act relating to certain Public Charities.”

Cap. 27.—“ An Act relating to the Taxation of Cotton Mills.”

Cap. 28.—“ An Act relating to the Taxation of Sugar Refineries.”

Cap. 29.—“ An Act for the Protection of Bridges.”

Cap. 30.—“ An Act to amend Cap. 22 of the Acts of 1878, relating to a Provincial Guarantee of Railway Debentures.”

Cap. 31.—“ An Act to establish Liens in favor of Mechanics, Machinists and others.”

Cap. 32.—“ An Act respecting the winding up of Incorporated Companies.”

Cap. 33.—“ An Act to legalize Jury Lists and Panels for the present year.”

Cap. 34.—“ An Act to legalize Assessment Rolls and Revisors Lists for the present year.”

Cap. 35.—“ An Act to abolish the office of Law Clerk of the Legislative Council.”

Cap. 36.—“ An Act to provide for defraying certain expenses of the Civil Government of this Province.”

Cap. 37.—“ An Act to amend the Act as to buildings in the City of Halifax.”

Cap. 38.—“ An Act further to alter and amend the Act concerning the City of Halifax.”

Cap. 39.—“ An Act concerning the City of Halifax.”

Cap. 40.—“ An Act to amend Cap. 81 of the Acts of 1864, of the incorporation of the City of Halifax.”

Cap. 41.—“ An Act to provide for building a Bridge or Aboiteau over Allan’s River in County of Annapolis.”

Cap. 42.—“ An Act to change the name of Pomquette Forks, in the County of Antigonish.”

Cap. 43.—“ An Act to change the name of Summerville, in the County of Antigonish.”

Cap. 44.—“ An Act to establish new Polling Districts in the County of Cape Breton.”

Cap. 45.—“ An Act to amend Cap. 33 of the Acts of 1878, respecting Juries in the County of Cape Breton.”

Cap. 46.—“ An Act to enable the County of Cape Breton to borrow money for Roads and Bridges.”

Cap. 47.—“ An Act to improve the navigation of Partridge Island River, in the County of Cumberland.”

Cap. 48.—“ An Act to change the name of Maccan Mountain Settlement in the County of Cumberland.”

Cap. 49.—“ An Act to name a Settlement in the County of Cumberland.”

Cap. 50.—“ An Act to authorize a loan for the District of Digby.”

Cap. 51.—“ An Act to provide for the construction of Milford Haven Bridge, in the County of Guysborough.”

Cap. 52.—“ An Act to enable the County of Guysborough to borrow money for Roads and Bridges.”

Cap. 53.—“ An Act to change the name of a Settlement in the County of Inverness.”

Cap. 54.—“ An Act to enable the County of Inverness to borrow money for Roads and Bridges.”

Cap. 55.—“ An Act concerning Crown Lands in Kings County.”

Cap. 56.—“ An Act to amend Cap. 52 of the Acts of 1864, intituled : ‘ An Act concerning the Township of Chester.’ ”

Cap. 57.—“ An Act to amend the Acts relating to the Town of New Glasgow.”

- Cap. 58.—“ An Act to alter and amend the Act to incorporate the Town of Pictou.”
- Cap. 59.—“ An Act to further alter and amend the Act to incorporate the Town of Truro.”
- Cap. 60.—“ An Act to amend Cap. 55 of the Acts of 1870, intituled: ‘ An Act to authorize the purchase of land for a Public Cemetery in the Town of Windsor.’”
- Cap. 61.—“ An Act to amend the Act to enable the Town of Yarmouth to procure additional fire engines.”
- Cap. 62.—“ An Act to enable the County of Victoria to borrow money for Roads and Bridges.”
- Cap. 63.—“ An Act to amend the Act to divide an Electoral District in the County of Victoria.”
- Cap. 64.—“ An Act to amend the Act incorporating the Western Counties Railway Company, and the Acts in amendment thereof and to repeal certain other Acts.”
- Cap. 65.—“ An Act to authorize the Government of Nova Scotia to aid the Railway from Digby to Yarmouth.”
- Cap. 66.—“ An Act to amend the Acts relating to Eastern Railway Extension.”
- Cap. 67.—“ An Act to amend Cap. 27, of the Acts of 1877, relating to the Nictaw and Atlantic Railway.”
- Cap. 68.—“ An Act to amend the Act to incorporate the Whitehaven Railway Company.”
- Cap. 69.—“ An Act to amend the Act to incorporate the Pugwash and Spring Hill Railway Company.”
- Cap. 70.—“ An Act to amend the Act incorporating the Halifax and Cape Breton Railway and Coal Company.”
- Cap. 71.—“ An Act to further amend the Act to incorporate the Inverness Coal, Iron and Railway Company (Limited).”
- Cap. 72.—“ An Act to amend the Act of incorporation of the ‘ Spring Hill Mining Company.’”
- Cap. 73.—“ An Act to incorporate the Gladstone Gold Mining Company.”
- Cap. 74.—“ An Act to incorporate the Dalhousie Copper Mining Company of Nova Scotia.”
- Cap. 75.—“ An Act to incorporate ‘ The Pictou Permanent Building and Loan Society.’”
- Cap. 76.—“ An Act to incorporate the Yarmouth Water Company.”
- Cap. 77.—“ An Act further to amend the Acts relating to the Acadia Fire Insurance Company.”
- Cap. 78.—“ An Act to amend an Act of the present Session, intituled: ‘ An Act further to amend the Acts relating to the Acadia Fire Insurance Company.’”
- Cap. 79.—“ An Act to amend the Acts relating to the Halifax Fire Insurance Company.”
- Cap. 80.—“ An Act to amend an Act of the present Session, intituled: ‘ An Act to amend the Acts relating to the Halifax Fire Insurance Company.’”
- Cap. 81.—“ An Act to empower the Rector and Churchwardens of Trinity Church, Wilmot, to sell certain lands.”
- Cap. 82.—“ An Act to amend an Act to incorporate the Board of Education of the Presbyterian Church of the Lower Provinces of British North America.”
- Cap. 83.—“ An Act to incorporate the Church of England Institute.”
- Cap. 84.—“ An Act to incorporate the Home Mission Board of the Baptist Convention of Nova Scotia, New Brunswick and Prince Edward Island.”
- Cap. 85.—“ An Act to incorporate the Catholic Temperance Union of Nova Scotia.”
- Cap. 86.—“ An Act in relation to the Law Library at Halifax.”
- Cap. 87.—“ An Act to incorporate the Nova Scotia Historical Society.”
- Cap. 88.—“ An Act to further amend the Acts relating to the Halifax Sugar Refinery.”
- Cap. 89.—“ An Act to amend an Act to incorporate the Halifax Academy of Music.”

Cap. 90.—“ An Act to incorporate the Woman’s Home.”

Cap. 91.—“ An Act to incorporate the Sydney Club.”

I recommend that the power of disallowance be not exercised with respect to these Acts.

JAMES McDONALD, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, July 27th, 1881.

I have the honor to report with respect to the Acts passed by the Legislature of Nova Scotia in the year one thousand eight hundred and eighty, as follows:—

I recommend that the power of disallowance be not exercised with respect to any of the said Acts, being Chapters one to seventy-seven inclusive.

I would remark, however, that the provisions of Cap. 9 seem to entrench upon the regulations of trade and commerce; that Section 14 of Cap. 11 appears to be beyond the powers of the Legislature in so far as they relate to the Court of Vice-Admiralty, and that some of the provisions of Section 7 of Cap. 68 seem to deal with the subject of Criminal Law or the procedure in criminal cases. None of such provisions are of a nature calculated to cause any inconvenience even though they be beyond the powers of the Legislature, and for that reason I have not thought it necessary to recommend the exercise of the power of disallowance with respect to the Acts.

A. CAMPBELL, Minister of Justice.

HEADQUARTERS, HALIFAX, N.S., 18th October, 1877.

*General Sir W. O’Grady Halv to the Governor General.*

MY LORD,—I have the honor to forward, for Your Excellency’s information, a copy of a letter which, in the interest of British officers serving in this command, I have deemed it my duty to address to the Right Hon. the Secretary of State for War, with a view to the subject thereof being submitted for the consideration of the law officers of Her Majesty’s Government.

I have, &c.,

W. O’G. HALY, General Commanding the Forces in B. N. A.

To His Excellency the Right Hon. Earl of Dufferin, K.P., K.C.B., Governor General.

HALIFAX, N.S., 15th October, 1877.

*General Sir W. O’Grady Halv to the Secretary of State for War.*

SIR,—I beg to forward herewith a copy of the Statutes of Nova Scotia, passed in the fortieth year of the reign of Her Majesty, and to refer particularly to your consideration Cap. 25 described as, “ An Act further to amend the laws for the preservation of useful birds and animals.”

By the 18th clause of this Act (page 26) you will observe that a tax or fee of \$5 (equivalent to about £1 sterling) is imposed upon all officers of this garrison desiring to avail themselves of the privilege of the game laws, as being persons not having their domicile in the Province.

I feel it incumbent upon me to point out that this enactment, imposing a tax upon British officers stationed on duty in this Province from which the natives are exempt has not unnaturally caused a feeling of considerable dissatisfaction among officers serving in this command.

It is not that the officers object in any way to the payment of a fee for the privilege of shooting were it imposed equally upon all their fellow-subjects, but they consider it hard and unjust that by an Act of the Provincial Legislature, they should

thus be placed in an inferior position to the native residents in the Province. The more so as in Nova Scotia alone of all the Provinces of the Dominion of Canada, is a British officer, by legislative enactment, treated as an alien.

I would beg to submit for consideration that if it be competent for a Provincial Legislature, in any portion of Her Majesty's Dominions, thus to pass an Act discriminating against British officers, there appears no reason why it may not ultimately seek to augment its revenues by similarly imposing taxes upon the property of officers while exempting the native residents.

The officers under my command hold the opinion, in which I entirely concur, that, while serving here under Her Majesty's order, we are, for the time being, *bonâfide* domiciled in Nova Scotia, whether occupying Government quarters or residing in hired houses, and, in the latter case, it is the more hard, as while liable to all rates and taxes in the City of Halifax equally with other residents therein, the equality ceases the moment he desires to shoot game in the Province.

In conclusion, I would beg that this case may be submitted for the opinion of the law officers of the Crown, and that Her Majesty's Government may be pleased to take steps to relieve military officers, serving in this command, from the humiliating position in which we are placed by this Act of the Legislature of Nova Scotia.

I have, &c.,

W. O'G. HALY, General Commanding the Forces of B. N. A.

True Copy,

H. H. O'GRADY HALY, Captain for Asst. Mil. Secy.

DOWNING STREET, 30th Nov., 1877.

*The Earl of Carnarvon to the Earl of Dufferin.*

MY LORD,—I have the honor to transmit to Your Lordship a copy of a letter from the War Office, with extract from a communication from the General Officer commanding the troops in British North America, respecting a fee of five dollars, imposed upon officers of the garrison at Halifax, who desire to avail themselves of the privileges of the game laws.

On reference to the Provincial Act complained of, viz.: Cap. 25 of 40 Vic., I observe that officers of the army and navy serving at Halifax, are more favorably treated, in regard to the amount of the fee required, than the inhabitants of other portions of the Dominion, beyond the limits of the Province; but, notwithstanding this privilege, I hope that the Provincial Government may, on further consideration of this matter, be disposed to recommend to the Legislature an amendment of the Act, so as to allow to persons serving in Her Majesty's army and navy in the Province, the same privileges as are granted to persons domiciled there.

I have, &c.,

CARNARVON.

Governor General, the Right Hon. The Earl of Dufferin, K.P., G.C.M.G., K.C.B.

WAR OFFICE, 17th Nov., 1877.

*The War Office to the Colonial Office.*

SIR,—I am directed by the Secretary of State for War to transmit to you, to be laid before the Earl of Carnarvon, a copy of a letter from the General Officer commanding the troops in British North America, pointing out that, by the eighteenth section of the Act, Cap. 25, passed this year by the General Assembly of Nova Scotia, "To amend the laws for the preservation of useful birds and animals," a special fee of \$5 is imposed upon officers of the garrison, who desire to avail themselves of the privileges of the game laws.

Mr. Hardy is of opinion that, for the reasons given by Sir W. O'G. Haly, these officers may fairly expect to be placed on the same footing, in this respect, as natives



of the Province, and Mr. Hardy trusts that, should Lord Carnarvon concur in this view, he will take the necessary steps for causing this question to be submitted for the consideration of the Government and the General Assembly of Nova Scotia.

I am, &c.,

RALPH THOMPSON.

The Under Secretary of State, Colonial Office.

Copy of Sir. W. O'G. Haly's despatch to the Secretary of State for War, dated Oct. 15th, was sent to the Secretary of State for Canada, on the 24th Oct. last.

*COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 1st April, 1878.*

The Committee of Council have had before them a Report dated 27th March, 1878, from the Hon. the Minister of Justice, upon the Statutes passed by the Legislature of the Province of Nova Scotia, in the 40th year of Her Majesty's Reign, (1877), and they concur in the views and recommendations therein submitted, and accordingly advise that the Acts reported as unobjectionable be left to their operation; that the attention of the Lieutenant-Governor of Nova Scotia be called to the remarks submitted in the Report of the Minister of Justice, and with that view, that a copy of said Report be transmitted to the Lieutenant-Governor.

W. A. HIMSWORTH, C.P.C.

To the Honorable the Secretary of State.

GOVERNMENT HOUSE, HALIFAX, NOVA SCOTIA, April 8, 1878.

SIR,—I have the honor to acknowledge the receipt of your Despatch No. 414 dated the 3rd April, 1878, enclosing a copy of Minute of Council, comprising the Report of the Hon. the Minister of Justice in reference to the Provincial Statutes of 1877, and have, as desired, brought to the notice of my Government the remarks made by the Minister to 25th, 57th, 67th, 68th, and 69th Chapters of these Acts.

As to the latter three of these Statutes the Minister of Justice while suggesting the difficulty there exists in deciding what is a Provincial object in reference to Marine Insurance, does not undertake to decide that the clauses and these Acts to which his remarks refer are *ultra vires*, and recommends that they may be left to their operation.

I apprehend that it is not expected that my Government shall take any action in reference to these Acts at the next Session of the Provincial Legislature.

As regards Chapter 57th there will, I apprehend, be no difficulty in amending it at the next Session in the sense suggested by the Minister of Justice.

In reference to Cap. 25 for the preservation of useful birds and animals, the recommendation of the Minister of Justice that a copy of the correspondence commencing with the letter to the Secretary of War by the late Sir W. O'Grady Haly, has been overlooked, no copy of this correspondence having been enclosed with the Minutes of Council; but I am happy to say that the clause of which the officers of the army and navy complained has been altered, and a compromise agreed on which has been embodied in an amendment of the Act in question passed at the Session just closed and which disposes of the difficulty in a manner satisfactory to all parties.

I have the honor to be, Sir, your obedient servant,

ADAMS G. ARCHIBALD, Lieutenant-Governor.

The Hon. the Secretary of State for Canada, &c.

DEPARTMENT OF SECRETARY OF STATE, 15th April, 1878.

SIR,—With reference to my letter of the 10th instant, and its enclosure, I am directed to transmit to you herewith for the information of His Excellency the Governor General, an extract from a despatch from His Honor the Lieutenant-

Governor of Nova Scotia, on the subject of the Act passed by the Legislature of that Province in the fortieth year of Her Majesty's reign (1877) intituled: "An Act further to amend the laws for the preservation of useful birds and animals.

I have, &c,

E. J. LANGEVIN.

To the Governor General's Secretary.

DOWNING STREET, 27th May, 1878.

*Sir M. E. Hicks Beach to the Earl of Dufferin.*

MY LORD,—With reference to Your Lordship's despatch, No. 106, of the 23rd of April, I have the honor to transmit to you a copy of a letter from the War Office expressing the thanks of the Secretary of State for War for the ready way in which the representations of the War Office in regard to the game law of Nova Scotia, have been met by the Local Government and Legislature.

You will be so good as to communicate a copy of the War Office letter to the Lieutenant-Governor of the Province.

I have, &c.,

M. E. HICKS BEACH.

Governor General the Right Honorable The EARL of DUFFERIN, K.P., G.C.M.G.,  
K.C.B.

WAR OFFICE, 21st May, 1878.

*The War Office to the Colonial Office.*

SIR,—I am directed by Secretary Colonel Stanley to acknowledge the receipt of Mr. Malcolm's letter of the 14th May, transmitting a copy of a de-patch from the Governor General of Canada relative to the amendment of the section of the Act of the Nova Scotia Legislature, under which officers of the Garrison at Halifax availing themselves of the game laws were placed in a less favorable position than persons domiciled in the Province.

In reply, I am to request that Colonel Stanley's thanks for the ready way in which the representations from this office on the subject have been met, may be conveyed through the Governor General.

I am, &c.,

T. C. VIVIAN.

The Under Secretary of State, Colonial Office.

DEPARTMENT SECRETARY OF STATE, 17th June, 1878.

SIR,—With reference to previous correspondence on the subject, I have the honor to transmit to you herewith, for the information of your Government, a copy of a letter from the War Office received through the Right Honorable the Secretary of State for the Colonies, expressing the thanks of the Right Honorable the Secretary of State for the ready manner in which the representations of the War Office in regard to the game law of Nova Scotia have been met by the Government and Legislature of that Province.

I have, &c.,

R. W. SCOTT.

His Honor the Lieut.-Governor of Nova Scotia, Halifax.

DEPARTMENT OF JUSTICE, OTTAWA, 17th June, 1878.

Unless a communication has been received from the Lieutenant-Governor of Nova Scotia, upon the report of the 27th March of this Department, upon the Acts of the Legislature of the Province, passed in the year 1877, the Secretary of State

will please ask the Lieutenant-Governor for an intimation of the action which has been taken, or intended to be taken, by his Government with respect to the 4th and 8th sections of the Act, Cap. 57, intituled: "An Act further to amend the Act to incorporate the Town of New Glasgow," and as the time for disallowance will expire on the 9th July, the Lieutenant-Governor should be requested to send his reply as soon as possible.

Z. A. LASH, D.M.J.

GOVERNMENT HOUSE, HALIFAX, NOVA SCOTIA, 24th June, 1878.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 1251, dated 21st June, 1878, wherein, in reference to your previous despatch of the 3rd April and my reply thereto of the 8th, you desire to be informed of the action intended to be taken by my Government with respect to the 4th and 8th sections of Cap. 57 of the Acts of 1877. I have the honor to say in reply that, in my answer above referred to, I stated—what you have probably overlooked—that there would be no difficulty in amending the Act in the next Session, in the sense suggested by the Minister of Justice.

Your despatch dated 3rd April did not arrive here till the 6th, two days after the House had been prorogued, and it was too late for any action.

My Government are perfectly powerless except to pledge themselves at next Session to a repeal of the clauses objected to, as these clauses if assented to would be wholly inoperative as law. Assuming the objections made to them to be well founded, it would not seem that much mischief could arise in a single year by allowing the Act to take effect, which would make it operative so far as the jurisdiction extends, but in that matter the Honorable the Minister of Justice, of course, will decide for himself.

I have the honor to be, Sir, your obedient servant,

ADAMS G. ARCHIBALD, Lieut.-Governor.

The Honorable the Secretary of State for Canada, Ottawa.

*Copy of a Report of a Committee to the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 25th June, 1879.*

On a Report dated 16th June, 1879, from the Hon. the Minister of Justice, stating that he has examined the Acts passed by the Legislature of the Province of Nova Scotia in the year 1878, in the fourth Session of the twenty-sixth General Assembly convened in the Province, chaptered from one (1) to seventy-eight (78) inclusive, being all the Acts passed in that Session, and that they all seem unobjectionable, and he recommends that they be left to their operation.

That a Bill intituled: "An Act to incorporate the Nova Scotia District Branch of the Independent Order of Oddfellows;" was also passed but was reserved by His Honor the Lieutenant Governor for the signification of His Excellency's pleasure thereon.

That the provisions of the Bill are clearly beyond the powers of the Provincial Legislature, and the objectionable provisions might, if allowed to remain upon the Statute Book, be the cause of considerable inconvenience and embarrassment, although they would have no force if objections to their validity were taken. That had the Bill been assented to by the Lieutenant Governor it would have been the duty of this Government to recommend its disallowance unless the objectionable clause were repealed.

That such being the case it is clearly the duty of the Government not to recommend that His Excellency's assent thereto be given. He, the Minister recommends that the Lieutenant Governor be so informed.

The Committee submit the foregoing recommendation for Your Excellency's approval.

W. A. HIMSWORTH, C.P.C.

DEPARTMENT OF SECRETARY OF STATE, 2nd July, 1879.

SIR, — I have the honor to transmit to you, herewith for the information of your Government, a copy of an order of His Excellency the Governor General in Council having reference to the Acts passed by the Legislature of the Province of Nova Scotia in the year 1878.

I have, &c.,

J. C. AIKINS.

His Honor the Administrator of the Government of Nova Scotia, Halifax.

GOVERNMENT HOUSE, HALIFAX, NOVA SCOTIA, 7th July, 1879.

SIR, — I have the honor to acknowledge the receipt of your despatches No. ~~1111~~, dated 2nd July, 1879, transmitting, for the information of my Government, a copy of an Order of His Excellency the Governor General in Council, having reference to the Acts passed by the Legislature of that Province in 1878.

I have the honor to be, Sir, your obedient servant,

W. YOUNG, Administrator.

The Hon. the Secretary of State for Canada, Ottawa.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 22nd June, 1880.*

On a Report, dated 4th June, 1880, from the Hon. the Minister of Justice, upon the Acts Caps. 1 to 91, of the Legislature of the Province of Nova Scotia, passed in the forty-second year of Her Majesty's Reign, (1879), received by the Hon. the Secretary of State on the 21st day of August, 1879;

The Committee concur in the recommendation of the Minister of Justice that the power of disallowance be not exercised with respect to those Acts, with the exception of the Act Cap. 22: "An Act respecting Estreats," which the Minister states will be reported upon separately.

J. O. COTÉ, C.P.C.

The Hon. the Secretary of State.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 5th October, 1880.*

The Committee have had before them the report, dated 27th September, 1880, from the Hon. the Minister of Justice, upon an Act passed by the Legislature of the Province of Nova Scotia, in the year 1879, being Cap. 22, intituled: "An Act respecting Estreats."

For the reasons set forth in his Report, the Minister states that he thinks this Act may be safely left to its operation; he recommends, however, that the attention of the Lieutenant-Governor be called to the remarks contained in his Report.

The Committee submit the above recommendation for Your Excellency's approval.

J. O. COTÉ, C.P.C.

The Honorable the Secretary of State.

7th October, 1880.

SIR, — I am directed to transmit to you herewith, for the information of your Government, a copy of an order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice therein referred to, upon the subject of the Act passed by the Legislature of the Province of Nova Scotia, in the year 1879, being Cap. 22, intituled: "An Act respecting Estreats."

I have, &c.,

EDOUARD J. LANGEVIN, Under Secy. of State.

The Hon. the Lieut.-Governor of Nova Scotia, Halifax.

GOVERNMENT HOUSE, HALIFAX, NOVA SCOTIA, Oct. 14th, 1880.

SIR.—I have the honor to acknowledge the receipt of Mr. Under Secretary Langevin's despatch, No.  $\frac{1880}{1880}$  dated the 7th October, 1880, transmitting a copy of an order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice therein referred to, upon the subject of the Act passed by the Legislature of this Province, in the year 1879, being Cap. 22, intituled: "An Act respecting Estreats."

I have the honor to be, Sir, your obedient servant,

ADAMS G. ARCHIBALD, Lieut.-Governor.

The Honorable the Secretary of State for Canada.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by the Honorable the Deputy of the Governor General, on the 29th day of July, 1881.*

The Committee of Council have had before them a Report, dated 27th July, 1881, from the Honorable the Minister of Justice, with respect to the Acts passed by the Legislature of Nova Scotia, in the year 1880.

On the recommendation of the Honorable the Minister of Justice, the Committee advise that the power of disallowance be not exercised with respect to any of the said Acts, being Chapters one to seventy-seven inclusive.

J. O. COTÉ, C. P. C.

2nd August, 1881.

SIR,—I have the honor to inform you that the Honorable the Deputy of the Governor General in Council has had under his consideration the Acts passed by the Legislature of Nova Scotia, in the year 1880, and that he has not thought fit to exercise the power of disallowance with respect to any of the said Acts, being Chapters one to seventy-seven inclusive.

I have the honor to enclose to you herewith, for the information of your Government, a copy of the Report of the Minister of Justice, dated 27th ultimo, with reference to some of the Acts above mentioned.

I have, &c.,

J. A. MOUSSEAU, Secretary of State.

His Honor the Lieut-Governor of Nova Scotia, Halifax.

GOVERNMENT HOUSE, HALIFAX, NOVA SCOTIA, August 8th, 1881.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 1,539 on 4,880, under date of the 2nd instant, informing me that the Deputy of the Governor General in Council has had under his consideration the Acts passed by the Legislature of Nova Scotia, in the year 1880, and that he has not thought fit to exercise the power of disallowance with respect to the said Acts, being Chapters 1 to 77, inclusive; covering also copy of a Report of the Minister of Justice, dated the 27th ultimo, with reference to some of the Acts above mentioned.

I have the honor to be, Sir, your obedient servant,

ADAMS G. ARCHIBALD, Lieutenant-Governor.

The Hon. the Secretary of State for Canada.

REPORTS OF THE MINISTER OF JUSTICE, ORDERS IN COUNCIL AND  
CORRESPONDENCE, RELATING TO THE ACTS OF THE LEGISLATURE  
OF THE PROVINCE OF NEW BRUNSWICK.

DEPARTMENT OF JUSTICE, 22nd December, 1877.

Upon the Acts of the General Assembly of the Province of New Brunswick, passed in the fortieth year of Her Majesty's Reign, A.D. 1877,—received by the Secretary of State, on 19th May, 1877,—I beg to report:—

Cap. 1.—“An Act to provide for defraying certain expenses of the Civil Government of the Province.”

Cap. 2.—“An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services.”

To these Acts there appears to be no objection, and I recommend that they be left to their operation.

Cap. 3.—“An Act relating to Municipalities.”

Section 17 provides that each candidate for the office of Councillor, shall, before being considered as properly nominated, make a certain declaration in writing, and goes on to provide that any person, wilfully making a false declaration, or a declaration that he does not know to be true, shall be liable to a penalty not exceeding one hundred dollars.

This appears to trench on the Criminal Law relating to perjury, and thus to be beyond the legislative authority of the General Assembly.

The Act respecting Perjury, namely, 32 and 33 Vic., (1869).

Cap. 23 appears to make full provision for the punishment of a person making a false declaration in such a case.

Section 90.—The word “offence” is used in this section as describing a breach of the provisions of the section. It has been pointed out on previous occasions that this word is objectionable in describing a breach of Provincial law, and the Governments of several Provinces have been requested to avoid, in local legislation, the use of this word for such purposes.

I recommend that the attention of the Lieutenant Governor be called to these remarks.

Section 92 provides that every County or Parish officer, whether in office at the time the requisition is made or not, shall, when required by the County Council, render full, true and detailed accounts of all moneys received and paid by him under the Orders of the Council or by the authority of any Act of Assembly, or otherwise by virtue of his office, and shall in like manner, whenever ordered, pay over any sum or sums of money which, by such accounts, shall appear to be due by such officer and to have come to his hands as such officer as aforesaid, to such person or persons as the Council in such order may appoint to receive the same; and, in case of disobedience of any such order, or of any other order of the Council, lawfully made, or if the same shall not be attended to within ten days after the service of such order, it shall and may be lawful for any Council to cause such disobedient or refractory officer, by warrant (E), to be brought before the Council, and if such disobedience or improper conduct be persisted in, then or at any time afterwards, to commit such officer to the Common Jail, without bail, until such Order or Orders of the Council shall be complied with and such proceedings of the Council against the said officer shall not in any case relieve his sureties from liability on any bonds entered into by them.”

Section 93 provides that in case the officer against whom the warrant is issued be brought before the Council in consequence of their not being in Session at the time of the execution of such warrant, such officer may be taken before a justice of the peace and may enter into a recognizance with two sureties, and in such amount as the justice may determine, not less than four nor more than eight hundred dollars, to appear at the next meeting of the Council and abide the order of the Council, and in default of such recognizance being given, the justice shall commit such officer to the

county jail, there to remain until the sitting of the next Council meeting, unless such recognizance be sooner given.

Section 94 provides that upon any person being brought before the Council by virtue of a warrant issued under the provisions of the Act, the Council may, instead of committing such person to gaol pending an investigation, take from him a recognizance with sureties to appear at any meeting of the Council to be named and abide the order of such Council, and Section 95 provides that if the Council shall make an order for the payment by any officer of any sums found to have been unlawfully applied or retained by him (which order the Council is hereby empowered to make) and such order be not complied with, the Council may, instead of committing such a person to gaol, make an order to the sheriff or constable directing him to levy the goods and chattels whereon to levy such sum, to take the person and deliver him to the keeper of the gaol of the County, there to be kept safely until payment is made in full of the said amount and costs or until discharged by order of the Council.

These provisions appear to me to be very objectionable and such as should not be left to their operation.

Among other objections which may properly be made to them are the following:—

1. If the circumstances connected with the non-payment of the money or with the disobedience to the orders of the Council be such as to make the defaulting or disobedient officer criminally liable, his punishment is already provided for by the Criminal Law. The Larceny Act 32-33 Vic. (1869) Cap. 21 would probably cover the case, and in this respect the provisions of the sections referred to seem to entrench upon the Criminal Law.

2. A very exceptional mode of determining the liability of the officer and of realizing any amount due by him is pointed out, and the ordinary courts of justice established for determining the civil and criminal liability of the subject are entirely disregarded, the proceedings of the Council apparently not even being subject to appeal or to be reviewed by any of the courts of justice although by the order of the Council the liberty of the subject may be interfered with and the disobedient or refractory officer imprisoned indefinitely without being allowed even the opportunity of giving bail.

3. That the tribunal thus established and to which such arbitrary powers are intrusted and which is to be the judge to pronounce upon the extent of the liability is composed of the persons most interested in the subject matter upon which the decision is to be given. The Council is in effect made sole judge in its own case.

I recommend that the attention of the Lieutenant-Governor be called to these provisions, with a request that his Government may at the next Session before the time expires within which the Act must be disallowed promote legislation to amend or repeal them.

Section 96 gives the Council power to make by-laws on certain subjects. Among others (sub-section 18) "For the occupation and grazing of marshes, sand-bars, beaches and other low lands and islands, and the erection of water and other fences and gates thereon, and for determining what creeks, lakes, swamps, rivers, arms of the sea and fences shall be deemed lawful enclosures for the same."

Sub-Section 24.—"For the regulation and management of booms for holding timber, logs and other lumber, and for the driving of timber and logs; for fixing the table of tolls for boomage, with the lieu of the boom master therefor, and prescribing the mode of recovering and right of disposing of the lumber of any person for which such boomage may be charged in default of payment, not interfering with any corporation or person empowered by law to establish a boom."

Sub-Section 92.—"For regulating the assizes of 'bread,'"

Sub-Section 33.—"For preserving the banks of rivers."

Sub-Section 39.—"For further regulating the measurement of boards, shingles, lathwood and other lumber, cordwood and other fuel."

Sub-Section 44.—"For regulating the discharging and depositing of ballast."

The 97th section declares that no such laws shall be of any force so far as they are repugnant to any law, or beyond the authority or power which can be given by the Legislature of the Province.

This limitation upon the power of passing by-laws renders it less difficult to leave the 18th, 24th, 33rd and 44th sub-sections above mentioned to their operation, and although those sub-sections seem to some extent to entrench upon subjects over which the Parliament of Canada has exclusive legislative authority, yet in view of the restriction contained in the 97th clause, no inconvenience is likely to arise from their provisions.

The 32nd and 39th sub-sections appear, however, to entrench upon the subject of weights and measures, upon which by the Confederation Act the Parliament of Canada alone can legislate.

I recommend that the attention of the Lieutenant Governor be called to these remarks.

Cap. 4.—“ An Act relating to Jury Fees.”

Cap. 5.—“ An Act relating to the Sittings of the Supreme Court.”

Cap. 6.—“ An Act relating to County Courts.”

Cap. 7.—“ An Act further relating to the appointments of Notaries Public.”

Cap. 8.—“ An Act to amend ‘ The General Assessment Act of 1875.’ ”

Cap. 9.—“ An Act respecting Escheats and Forfeitures.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 10.—“ An Act in further amendment of the Act, intituled: ‘ An Act to amend and consolidate the laws to regulate the sale of spirituous liquors.’ ”

The extent of the right of the Local Legislatures to deal with this subject is now under the consideration of the Courts, and, following the practice adopted in reference to other similar Acts, I recommend that the Act be left to its operation.

Cap. 11.—“ An Act relating to Fences, Trespasses and Pounds.”

Section 7 makes use of the word “ offence.” I call attention to the remarks above made as to the use of this word.

The Act, however, may be left to its operation.

Cap. 12.—“ An Act to encourage and reward the destruction of Bears in this Province.”

Cap. 13.—“ An Act to provide for certain amendments and additions to an Act passed in the thirty-ninth year of the reign of Her Majesty, intituled: ‘ An Act to consolidate the Public Statutes of New Brunswick.’ ”

These Acts appears to be unobjectionable, and I recommend that they be left to their operation.

Cap. 14.—“ An Act to continue an Act to incorporate the Northern and Western Railway Company of New Brunswick.”

The Act which incorporated this Railway Company was left to its operation, and as this merely continues the Act for a certain time, it may be left to its operation.

Cap. 15.—“ An Act in further amendment of the Acts relating to the New Brunswick Railway Company.”

To this Act there appears to be no objection and I recommend that it be left to its operation.

Cap. 16.—“ An Act further to revive and continue an Act made and passed in the thirty-fourth year of Her Majesty's reign, intituled: ‘ An Act to incorporate the Central Railway Company.’ ”

For similar reasons to those given with respect to Cap. 14, this Act may be properly left to its operation.

Cap. 17.—“ An Act to consolidate and amend the various Acts of Assembly of the Province of New Brunswick relating to the Albert Railway Company.”

Cap. 18.—“ An Act to provide for a compensation to the members of the Common Council of the City of Saint John for public Services.”



Cap. 19.—“ An Act to enable the Justices of the City and County of Saint John to sell and convey certain lands in the Parish of Simonds, in the said City and County, granted to the said Justices in trust for school purposes.”

Cap. 20.—“ An Act to define the side lines of Streets at that part of the City of Saint John lying on the western side of the Harbour of Saint John.

Cap. 21.—“ An Act to erect part of the Parish of Lancaster, in the City and County of Saint John into a separate Parish.”

Cap. 22.—“ An Act relating to Dorchester Street in the City of Saint John.”

Cap. 23.—“ An Act to amend the law relating to Civic Elections in the City of Saint John.”

Cap. 24.—“ An Act to confirm a transfer made to the Crown of certain property of the City Corporation of Saint John.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 25.—“ An Act to regulate the sale of Spirituous Liquors in the Parish of Lancaster, Simonds and Saint Martin's in the City and County of Saint John.”

I refer to the remarks on Cap. 10 as to the extent of the right of Local Legislatures to deal with this subject.

Section 19 provides that no dealer or tavern keeper shall permit any apprentice to any profession or trade or any person under the age of sixteen years, or any Indian or any noted vagrant to sit or remain drinking in his house or on his premises, nor shall he sell or give, or suffer to be sold or given any spirituous liquors whatever to any such person, &c., &c.

Section 18 provides that, whoever shall be convicted of any violation or breach of any of the provisions of the Act, and for which no special penalty is provided shall be liable on the first conviction to a penalty of not less than ten nor more than twenty dollars, and on every succeeding conviction of the same violation or breach, a penalty of not less than twenty nor more than forty dollars.

By the 37th section, penalties where recovered shall be paid into the County Treasurer of St. John, and by him placed to the credit of the Liquor License Fund of the Parish in which the offence was committed, any Law or Statute to the contrary notwithstanding.

Among the subjects reserved for the exclusive Legislative authority of the Parliament of Canada is that of Indians.

I refer to the Report of the Minister of Justice, dated 20th October, 1876, upon the Statutes of the Legislature of Prince Edward Island. In dealing with the 16th section of Cap. 2 of those Statutes, which provided that no liquor should be sold, or given by any person or to any Indian without a certificate from the Clergyman or medical man under a penalty of \$10 for every offence, one half of the fine to be paid to the informer and the other half to the Treasurer of the Province, the following remarks were made:—

“ Upon this Section the undersigned obtained the view of the Department of the Interior, which points out that the provisions of the Section are in direct conflict with those of the Dominion Act passed last Session, both as regards the amount and disposition of the penalty imposed, and that it seems clear that Local Legislation either in Prince Edward Island or elsewhere on matters relating to the Indians can hardly fail to cause great practical inconvenience and confusion, if not (as in the present case) actual conflict of laws. Very full provision is made by the Canadian Act, 39 Vic., Cap. 18 (1876), respecting Indians in the 79th and following Sections.

“ It seems obvious that there should not be double legislation upon such a subject.”

These remarks equally apply to the section under consideration.

I recommend that the attention of the Lieutenant Governor be called to the Section, with a suggestion that it should be amended to meet the objections raised, at the next Session, and before the time expires within which the Act can be disallowed.

Section 20 is as follows:—“ No dealer or tavern keeper shall entice, harbor or conceal any articed seamen or apprentice, on any pretence whatever, nor encourage

or permit or suffer any riotous or disorderly conduct or drunkenness, or gambling of any kind in or about his premises."

The Dominion Parliament has in its Act of 1873, Cap. 129, respecting the shipping of seamen by Section 104, legislated upon the subject of enticing and harboring seamen or apprentices, and although I do not recommend a disallowance of this Act by reason of the 20th section, yet I think it should be pointed out that inconveniences may arise by legislation in a Province upon a subject in respect of which the Parliament of Canada has legislated and may in future legislate.

I recommend that the attention of the Lieutenant-Governor be called to these remarks.

The word "offence" occurs in Sections 33 and 41. I refer to the remarks above made with reference to the use of this word.

Cap. 26.—"An Act to change the name of the Corporation 'M. Cawsland, Upham & Company,' to 'Fredericton Leather Company,' and for other purposes in connection therewith."

This Act appears unobjectionable, and I recommend that it be left to its operation.

Cap. 27.—"An Act to increase the facilities for the collection of small debts in the City of Fredericton."

I had occasion in reporting upon the Acts of British Columbia and also of Ontario to point out the danger of permitting Provincial legislation, which not only constitutes Courts for the administration of justice, but also appoints the judges of those Courts.

I desire here to refer to those reports, inasmuch, however, as similar legislation to that contained in this Chapter has been left to its operation in other Provinces, I do not recommend the disallowance of this Act.

Cap. 28.—"An Act to amend the Town of Woodstock Incorporation Amendment Act, 1875."

To this Act there appears no objection, and I recommend it be left to its operation.

Cap. 29.—"An Act to continue and amend an Act passed in the sixteenth year of the reign of Her Majesty, intituled: 'An Act to incorporate the Courtney Bay Bridge Company.'"

The Act which this Act continues and amends was passed previous to Confederation, but it would seem that the bridge for the construction of which the Company was incorporated has not yet been built, and as the right of the Local Legislature to pass this Act seems to depend upon whether or not the water over which the bridge is to pass may be required for purposes of navigation. I made enquiries from the Department of Marine and Fisheries as to the navigability of the water in question.

The Deputy Minister of Marine and Fisheries states that there is no navigation at Courtney Bay, that place being all dry at low water, except in a small creek called "Marsh Creek," on the banks of which vessels as large as 1,500 tons burden are sometimes built. As provision is made in the Act that a sufficient draw or other means shall be placed and maintained in the bridge to allow access to ships and vessels up and down the creek, he sees no objection whatever to the continuation of the Act.

The 10th section of the Act now under consideration provides that a plan and fully detailed description of the site and position of the bridge and road to be built, including a complete detail as to size of draw to be placed in the bridge, shall be forwarded to the Minister of Public Works at Ottawa, and the site and position so selected shall be subject to the approval of the Governor General in Council.

Under these circumstances the Act seems unobjectionable, and I recommend that it be left to its operation.

Cap. 30.—"An Act to erect parts of the Parishes of St. Leonard, St. Basil, Madawaska, and St. Francis, in the County of Madawaska, into three additional parishes."

Cap. 31.—"An Act to authorize and empower the Municipality of the County of Victoria to sell and convey certain Lands and to erect Public Offices."

Cap. 32.—“An Act further regulating the selection of a Site for the Public Buildings in the County of Victoria.”

Cap. 33.—“An Act relating to the Upper Road District in the Parish of Woodstock, in the County of Carleton.”

Cap. 34.—“An Act to incorporate the New Brunswick Freestone Company.”

Cap. 35.—“An Act to incorporate the Woodstock Cemetery Company.”

Cap. 36.—“An Act relating to Sales by Auction in the Town of Moncton.”

Cap. 37.—“An Act relating to the Baptist Church at Centreville, in the County of Carleton.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 38.—“An Act to alter and amend an Act intituled: An Act to incorporate The St. John Gas-light Company.”

This Act authorizes the St. John Gas-light Company to lay a drain from the works of the Company into the harbor of the City of St. John, for the purpose of carrying off the refuse water arising from their gas works. This power, if unrestricted, might lead to serious evils, but as the Act provides that it shall not be exercised unless with the consent and approval of the Common Council of the City of St. John first had and obtained, and signified by a vote of at least ten members of the Common Council, exclusive of the Mayor, and unless upon the sanction of the Governor General of Canada first had and obtained, the Act may, I think, be safely left to its operation.

Cap. 39.—“An Act to incorporate The Brothers of the Christian Schools.”

Cap. 40.—“An Act in addition to and in amendment of an Act intituled: An Act to authorize the Municipality of the County of Gloucester to raise money by way of loan to pay off the County Debt.”

Cap. 41.—“An Act to incorporate the St. Martin's Cemetery Company.”

Cap. 42.—“An Act relating to the Mount Pleasant Park Company.”

Cap. 43.—“An Act to amend an Act intituled: An Act to incorporate the Maritime Mutual Fire Insurance Company.”

Cap. 44.—“An Act to alter the time of holding the Election of County Councilors in the Municipality of Carleton.”

Cap. 45.—“An Act relating to the Office of City Clerk in the City of Fredericton.”

Cap. 46.—“An Act to empower the Town Council of the Town of Moncton to exempt any company incorporated and formed for the purpose of supplying the Town of Moncton with Gas-light and Water from taxation for a term of years.”

Cap. 47.—“An Act to amend an Act incorporating the Hillsborough Branch Railway Company.”

Cap. 48.—“An Act in amendment of an Act to provide for the establishment of a Police Force and Lockup House at Caraquet, in the County of Gloucester.”

Cap. 49.—“An Act to incorporate the Moncton Driving Park Association.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 50.—“An Act to provide for the Sewerage Service and Water Supply in the Town of Portland.”

The word “offence” is made use of in this Chapter; I refer to the remarks above made respecting the use of this word. The Act appears otherwise unobjectionable, and I recommend that it be left to its operation.

Z. A. LASH, D.M.J.

I concur,

R. L., M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 16th May, 1878.

Referring to my Report of the 22nd September last upon the Acts of the General Assembly of the Province of New Brunswick, passed in the fortieth year of Her Majesty's reign (1877), I beg to report:—

That not having received a copy of the Statutes of the past Session of the Province, and the time for the disallowance of the Acts of last year expiring on the 19th instant, a communication was sent to the Lieutenant-Governor of New Brunswick, asking what action had been taken in reference to the objections made to certain provisions of the Statutes of 1877.

The Lieutenant-Governor states that the objectionable provisions of the Acts were repealed.

I recommend that the various Statutes in question be left to their operation.

Z. A. LASH, D.M.J.

I concur,

R. L., M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 20th June, 1878.

I have the honor to report upon an Act passed by the Legislative Assembly of the Province of New Brunswick at its last Session (assented to on 18th April, 1878), intituled: "An Act to incorporate the St. John and Marine Railway Company" which Act was transmitted by the Lieutenant-Governor in advance of the general Acts of the Session, in order that the same might be considered at an early day. Having carefully examined the Act, and having considered in connection therewith the Act of the Province of New Brunswick before Confederation passed in the year 1864 Cap. 43, and intituled: "An Act to incorporate the European and North American Railway Company for extension from St. John westward," and the Act of the Parliament of Canada passed in the year 1875, Cap. 71, I am of opinion that it is a proper Act to leave to its operation, and I recommend accordingly. The title is somewhat objectionable as indicating that the railway may extend beyond the Province and into the State of Maine; as a matter of fact, however, the line is to be within the Province, and as the title of the Company is a convenient one as indicating the two termini of the line, the power of disallowance should not, I think, be exercised on this account merely.

Z. A. LASH, D.M.J.

I concur.

R. W. SCOTT, Acting M. of J.

DEPARTMENT OF JUSTICE, OTTAWA, 27th September, 1878.

I have the honor to report upon the Acts passed by the General Assembly of the Province of New Brunswick, at the Special Session, in the months of August and September, 1877.

This Session appears to have been rendered necessary by the great fire at St. John, in the month of June previous.

The Acts passed are, Caps. 1 to 23, inclusive.

With the exception of certain provisions of the 4th section of Cap. 8, which is intituled: "An Act to define and establish the Side lines of Streets in the City of St. John, and to prevent encroachments on the Public Streets," all the other Acts appear unobjectionable, and I recommend that they be left to their operation.

With reference to the section referred to, however, I would remark that it appears to trench upon Criminal Law, inasmuch as the section declares, that every erection, building, porch, stoop, step, encumbrance or obstruction whatsoever, being upon any of the streets referred to in the Act, or upon or over the side line of any of the streets, is to be, and upon the passing of the Act, is to become, a public nuisance.

Although it is within the competence of the Local Legislature to define the sides and limits of a public street in the Province, yet it seems clear that it is not within their competence to declare that an encroachment upon that street is to be a public nuisance.

It is laid down, that there can be no doubt, "that any contracting or narrowing of a public highway is a nuisance," and that "an obstruction in any part is the subject of indictment." (Russell, on Crimes, Book 2, Cap. 30, Section 2.)

It is clear that a public nuisance is properly punishable by indictment and is not the subject of a civil action, unless the person suing civilly has sustained some extraordinary damage by it beyond that sustained by the rest of the public.

I do not propose to recommend the disallowance of this Act on account of the provision referred to, but as it is desirable that all provisions of Provincial Statutes should be within the competence of the Provincial Legislature, I recommend that the attention of the Lieutenant-Governor be called to these remarks with the suggestion that at the next Session his Government should promote the necessary legislation to repeal the objectionable parts of the section, and that the words, "made a public nuisance by this Act," contained in the 5th section, should be struck out and other suitable words inserted.

It will be seen that, even if no provision be made declaring the obstruction a nuisance, it would be by common law a nuisance and so indictable.

I concur,  
R. L., M J.

Z. A. LASH, D.M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 22nd October, 1879.

I have the honor to report upon the Acts passed by the Legislature of New Brunswick in the month of April, 1878, received by this Government on the 22nd day of March, 1879, as follows:—

Cap. 24.—"An Act to constitute a certain part of the Town of Portland into a separate ward, to be called the Fifth Ward."

Cap. 25.—"An Act to provide for defraying certain expenses of the Civil Government of the Province."

Cap. 26.—"An Act to provide for the repair and improvement of roads and bridges, and other Public Works and Services."

Cap. 27.—"An Act in amendment of the law of evidence."

Cap. 28.—"An Act to remove doubts, relating to marriages in certain cases."

Cap. 29.—"An Act to alter the time of holding the Circuit Court in and for the County of Sunbury."

Cap. 30.—"An Act to amend the law referring to Courts of Probate."

Cap. 31.—"An Act to amend Cap. 59 of the Consolidated Statutes of Parish Courts."

Cap. 32.—"An Act relating to the Parish Court of the Parish of Newcastle, in the County of Northumberland."

Cap. 33.—"An Act relating to fees to constables in civil suits before Justices."

Cap. 34.—"An Act to amend Cap. 64 of the Consolidated Statutes."

Cap. 35.—"An Act relating to the constitution of Boards of School Trustees in Cities and Incorporated Towns, and in amendment of and in addition to the law relating to Schools."

Cap. 36.—"An Act in further amendment of Cap. 4 of the Consolidated Statutes."

Cap. 37.—"An Act to amend Cap. 102 of the Consolidated Statutes relating to settlement of the poor."

Cap. 38.—"An Act relating to County Councillors and Revisors."

Cap. 39.—"An Act to empower County Councils to grant relief in certain cases of over assessment."

Cap. 40.—"An Act relating to compensation for lands taken for Railway purposes."

Cap. 41.—"An Act in addition to Cap. 75 of the Consolidated Statutes, relating to the Registry of Bills of Sale."

Cap. 42.—"An Act relating to the apprenticing of Immigrant Children having no parent within the Province."

Cap. 43.—“An Act in amendment of Cap. 98 of the Consolidated Statutes, of Corporations.”

Cap. 44.—“An Act to amend Cap. 22 of the Consolidated Statutes of Dangerous Lunatics.”

Cap. 45.—“An Act for the protection of certain birds and animals.”

Cap. 46.—“An Act to make provision for the redemption of Provincial Debentures.”

I recommend that the above Acts be left to their operation.

Cap. 47.—“An Act in addition to Cap. 105 of the Consolidated Statutes, of Licenses for sale of Spirituous Liquors and to repeal certain sections of the Act 40th Vic., Cap. 25.”

Cap. 48.—“An Act in addition to an Act, intituled: ‘An Act relating to Licenses in the City of Saint John,’ being in addition to and amendment of an Act to regulate the sale of Spirituous Liquors in the City and County of Saint John.”

Cap. 49.—“An Act in reference to the sale of Spirituous Liquors within the Town of Moncton.”

As those Acts deal with licenses for the sale of spirituous liquors, and as the question of how far such legislation is an interference with the regulation of Trade and Commerce is still undecided, I think it proper in recommending that the Acts be left to their operation to refer merely to the doubt which exists upon the subject.”

Cap. 50.—“An Act to incorporate the Chatham Driving Park Association.”

Cap. 51.—“An Act to incorporate the Chatham Dutcher Temperance Reformers Temple Company.”

Cap. 52.—“An Act to amend the Act thirty-eight Vic, Cap. 141, intituled: ‘An Act to incorporate the New Brunswick Oddfellows Hall Company.’”

Cap. 53.—“An Act to incorporate the Mount Pleasant Hotel Company.”

Cap. 54.—“An Act to alter and in addition to an Act intituled: ‘An Act to incorporate the Saint John Gas Light Company’ and to authorize the said Company to issue Debentures.”

Cap. 55.—“An Act to incorporate the Trustees of the Saint John Temperance Reform Club.”

Cap. 56.—“An Act to change the name of ‘The Trustees of the Marsh Bridge Baptist Chapel’ in the City of Saint John, to that of the Trustees of the Leinster Street Baptist Church in the City of Saint John, and for other purposes.”

Cap. 57.—“An Act to amend an Act intituled: ‘An Act to incorporate the Highland Park Company.’”

Cap. 58.—“An Act to incorporate the Hillsborough Masonic Hall Company.”

Cap. 59.—“An Act to amend an Act intituled: ‘An Act to incorporate the Saint John Academy of Music Company,’ and to authorize the sale of the lands of the said Company and to facilitate the winding up of its affairs.”

Cap. 60.—“An Act to incorporate the York and Carleton Steamboat Company.”

Cap. 61.—“An Act to incorporate the Saint John Relief and Aid Society.”

Cap. 62.—“An Act to incorporate the Saint John Law Society.”

Cap. 63.—“An Act to authorize an Assessment on the Fire District of Chatham, County of Northumberland, for fire purposes.”

Cap. 64.—“An Act to define the northern side line of Queen’s Square in the City of Saint John.”

Cap. 65.—“An Act to enable the inhabitants of Saint Mary’s Village in the Parish of Saint Mary, in the County of York, to assess themselves for protection against fires, and for procuring a supply of water.”

Cap. 66.—“An Act to authorize the School Trustees in School District No. 2, in the Parish of Newcastle, Northumberland County, to sell a certain lot of land.”

Cap. 67.—“An Act to authorize and empower the County Council of the Municipality of the County of York to issue Debentures, to take up other certain Debentures.”

Cap. 68.—“An Act to declare certain lands situate in the Parish of Welford, in the County of Kent, vested in the Trustees of Saint Andrew’s Church, Richibucto, in

connection with 'The Presbyterian Church in Canada,' and to authorize the said Trustees to lease or to sell and dispose of the said lands, and to appropriate or invest the proceeds as they may deem advisable for the use and benefit of the said Church."

Cap. 69.—"An Act to enable the City Corporation of Saint John to purchase improvements on City lands."

Cap. 70.—"An Act to authorize the Municipality of York to sell and dispose of certain lands in the Parish of Canterbury, in the County of York."

Cap. 71.—"An Act to authorize the County Council of the Municipality of Carleton to aid in the relief of persons rendered destitute by the Saint John Fire."

Cap. 72.—"An Act relating to the Fire Department of the City of St. John."

Cap. 73.—"An Act to authorize the sale of certain Church Lands in the Parish of Canterbury."

Cap. 74.—"An Act further to amend an Act to incorporate certain districts of the Parish of St. Stephen, in the County of Charlotte, to be known as the Town of St. Stephen."

Cap. 75.—"An Act relating to highways in the Parishes of Simonds, St. Martins, Lancaster and Musquash, in the City and County of the City of St. John."

Cap. 76.—"An Act to authorize the erection of a telephone between Newcastle and Indiantown, in Northumberland County."

Cap. 77.—"An Act to authorize the County Council of Madawaska to exempt capital invested, during the next ten years in the County of Madawaska, in mills and factories, from taxation."

Cap. 78.—"An Act to authorize the Municipal Council of Kings County to exempt banking institutions from taxation within the County of Kings for a certain period."

Cap. 79.—"An Act to authorize and empower the Rector, Church Wardens and Vestry of Christ Church in the Parish of Fredericton, to sell certain lands."

Cap. 80.—"An Act in further amendment of the law relating to the levying and assessing of rates and taxes in the City of St. John."

Cap. 81.—"An Act to authorize the revisors of electors for the Parish of Acadieville, in the County of Kent, to make a list of electors for that parish for the year A.D., 1878."

Cap. 82.—"An Act to amend the Act incorporating the Town of Moncton, in reference to the collection of taxes."

Cap. 83.—"An Act relating to the Old Public Burial Ground in Carleton Ward, in the City of Fredericton."

Cap. 84.—"An Act to enable the Trustees of the Germain Street Baptist Chapel, in the City of St. John, to mortgage certain property and for other purposes."

Cap. 85.—"An Act relating to assessment and to Fire investigation in the City of Fredericton."

Cap. 86.—"An Act to enable the Town of Moncton to contract with the Moncton Gaslight and Water Company for water and gas for a term of years."

Cap. 87.—"An Act relating to the Electoral lists for the County of Madawaska."

Cap. 88.—"An Act to authorize the Town of Moncton to raise money by way of loan for the construction of public buildings, and to aid in the construction of sewers in the town."

Cap. 89.—"An Act in further amendment of the law for the better prevention of conflagrations in the City of St. John."

Cap. 90.—"An Act to authorize the City of Fredericton to issue debentures to take up certain other debentures."

Cap. 91.—"An Act to amend an Act, intituled: 'An Act to authorize the erection of a boom across the Jacquet River in the County of Restigouche.'"

I recommend that the above Acts be left to their operation.

Cap. 92.—"An Act to incorporate the St. John and Marine Railway Company."

This Act was received in advance of the others and has already, by Order in Council, dated 2nd July, 1875, been left to its operation.

Cap. 93.—“An Act to revive, continue and amend an Act to incorporate the Caraquet Railway Company.”

Cap. 94.—“An Act to incorporate the Albert Southern Railway Company.”

Cap. 95.—“An Act to revive and continue and amend an Act made and passed in the thirty-seventh year of Her Majesty's Reign, intituled: ‘An Act to incorporate the Northern Railway Company.’”

Cap. 96.—“An Act to amend an Act to incorporate the New Brunswick and Canada Railway Company.”

Cap. 97.—“An Act to revive and continue an Act to incorporate the New Brunswick and Prince Edward Inland Railway Company.”

Cap. 98.—“An Act to incorporate the Harvey Branch Railway Company.”

Cap. 99.—“An Act to incorporate the St. Andrews and St. Croix Railway Company.”

Cap. 100.—“An Act to continue the several Acts relating to the St. Martin and Upham Railway.”

Cap. 101.—“An Act to amend an Act intituled: ‘An Act to incorporate the Petitcodiac and Elgin Branch Railway Company.’”

Cap. 102.—“An Act to provide for the erection of an Almshouse and Workhouse in the Parish of Bathurst, Gloucester County.”

Cap. 103.—“An Act in addition to an Act intituled: ‘An Act to provide for rebuilding and replacing Public Property destroyed by the recent disastrous fire in the City of St. John.’”

Cap. 104.—“An Act relating to the Common Gaol for the County of Madawaska.”

Cap. 105.—“An Act in addition to the law relating to Civic Elections in the City of St. John.”

Cap. 106.—“An Act to establish a Board of Health for the Town of Moncton.”

Cap. 107.—“An Act in addition to an Act intituled: ‘An Act to authorize the extension of St. John Street from Duke Street to Reed's Point Wharf, in the City of St. John, on the eastern side of the harbor, and to provide for a Salvage Corps.’”

Cap. 108.—“An Act to fix the Salary of the Police Magistrate of the Town of Portland.”

Cap. 109.—“An Act for the further extension of Canterbury Street, in the City of St. John.”

Cap. 110.—“An Act to authorize the City Council of Fredericton to assess for Agricultural purposes.”

Cap. 111.—“An Act to alter and amend 34th Vic., Cap. 11, intituled: ‘An Act to incorporate the Town of Portland as far as the same relates to Indiantown Ferries.’”

Cap. 112.—“An Act relating to Polling Places in the Province.”

Cap. 113.—“An Act to authorize James E. Whittaker, Trustee under the last will and testament of Charles Whittaker, deceased, to convey a certain lot of land situate and fronting on the south side of King Street in the City of St. John, by way of mortgage, to secure the repayment of certain moneys loaned to him for the purpose of erecting buildings thereon.”

I recommend that these Acts be left to their operation.

Z. A. LASH, D.M.J.

I concur.

JAS. McDONALD, M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 25th June, 1881.

I have the honor to report with respect to the Acts passed by the Legislature of the Province of New Brunswick in the year 1880.

I recommend that the power of disallowance be not exercised with respect to the whole of the said Acts which are as follows, namely:—

Cap. 1.—“An Act to repeal Cap. 42 of the Consolidated Statutes ‘Attachment.’”



Cap. 2.—“An Act to repeal Cap. 43 of the Consolidated Statutes, ‘Garnishee or Trustee Proceeds.’”

Cap. 3.—“An Act to enable the Rector, Church Wardens and Vestry of Trinity Church in St. John, to issue Debentures.”

Cap. 4.—“An Act to make provision for the issue of certain licenses to cut lumber on Crown Lands.”

Cap. 5.—“An Act to authorize the City of Fredericton to issue Debentures to take up outstanding indebtedness caused by burning of Old City Hall.”

Cap. 6.—“An Act to provide for defraying certain expenses of the Civil Government of the Province.”

Cap. 7.—“An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services.”

Cap. 8.—“An Act to alter and amend Cap. 37 of the Consolidated Statutes of ‘Proceedings and Practice in the Supreme Court.’”

Cap. 9.—“An Act to amend Cap. 38 of the Consolidated Statutes of ‘Arrest, Imprisonment and Examination of Debtors.’”

Cap. 10.—“An Act to amend Cap. 40 of the Consolidated Statutes of ‘The Supreme Court in Equity.’”

Cap. 11.—“An Act relating to the Supreme Court Sittings at Term.”

Cap. 12.—“An Act to amend Cap. 83 of the Consolidated Statutes of ‘Landlord and Tenant.’”

Cap. 13.—“An Act to amend Section 75 of Cap. 65 of the Consolidated Statutes of ‘Schools.’”

Cap. 14.—“An Act to amend Cap. 99 of the Consolidated Statutes.”

Cap. 15.—“An Act to amend Cap. 23 of the Consolidated Statutes of ‘Agriculture.’”

Cap. 16.—“An Act in amendment of the law relating to the solemnization of Marriage, and to remove doubts as to marriages in certain cases.”

Cap. 17.—“An Act to alter and amend Cap. 110 of the Consolidated Statutes of ‘Fences, Trespasses and Pounds.’”

Cap. 18.—“An Act relating to the qualification of Justice of the Peace as Petit Jurors.”

Cap. 19.—“An Act to provide for the Registry of Decrees and Orders of all Courts of Chancery, Equity and other Courts of Record.”

Cap. 20.—“An Act for the better preservation of the Records of Horse Pedigrees.”

Cap. 21.—“An Act further amending Cap. 45 of Acts of Assembly 41st Victoria, for the protection of certain birds and animals.”

Cap. 22.—“An Act in addition to the law relating to the Police Office established in the City of St. John, and the City of Fredericton.”

Cap. 23.—“An Act to amend Cap 100 of the Consolidated Statutes, title ‘Rates and Taxes,’ in respect of the Parishes of Simonds, St. Martins, Lancaster and Musquash, in the City and County of St. John.”

Cap. 24.—“An Act to authorize the Town of Portland to raise money by way of loan for making better provision against fire in the eastern part of the said town.”

Cap. 25.—“An Act relating to the collection of fines in the Town of Portland.”

Cap. 26.—“An Act to repeal 42nd Victoria, Cap. 48, intituled: ‘An Act relating to Rates and Taxes in the City and County of St. John.’”

Cap. 27.—“An Act relating to Sewerage in the Town of Portland.”

Cap. 28.—“An Act in addition to, and in amendment of, certain Acts relating to Public Slaughter Houses in the City and County of St. John.”

Cap. 29.—“An Act in amendment of, and in addition to, an Act to erect the Parish of St. Mark in the City of St. John, for ecclesiastical purposes.”

Cap. 30.—“An Act to declare legal certain proceedings of the County Council of the municipality of Restigouche.”

Cap. 31.—“An Act in addition to, and in amendment of, the law relating to the new St. Stephen’s Church in the City of St. John.”

- Cap. 32.—“ An Act to incorporate the St. John Medical Library Association.”
- Cap. 33.—“ An Act in further amendment of the law relating to Benefit Building Societies.”
- Cap. 34.—“ An Act to authorize and empower the County Council of the municipality of York to issue debentures to take up certain other debentures.”
- Cap. 35.—“ An Act to authorize the trustees of School District number two, St. Mary's to issue debentures.”
- Cap. 36.—“ An Act to authorize the erection of a gate across the Chapel Road in the Parish of Kingsclear.”
- Cap. 37.—“ An Act relating to St. Paul's Church, Fredericton, in connection with the Presbyterian Church in Canada, formerly in connection with the Church of Scotland.”
- Cap. 38.—“ An Act to incorporate the Hotel Brunswick Company of the City of St. John.”
- Cap. 39.—“ An Act to alter the division line between the Parishes of Springfield and Studholm in Kings county.”
- Cap. 40.—“ An Act to alter a portion of the Boundary line of the Parish of Sackville, Westmoreland County.”
- Cap. 41.—“ An Act to remove doubts respecting the probate of the will of the late Honorable Edward B. Chandler.”
- Cap. 42.—“ An Act to provide for a lock-up house at Point du Chêne, Westmoreland County.”
- Cap. 43.—“ An Act to authorize the Town of Moncton to raise further sums of money, by way of loan, for the construction of Public Buildings, Sewers, and Streets, in the Town.”
- Cap. 44.—“ An Act to establish a Board of Health for the Town of Saint Stephen.”
- Cap. 45.—“ An Act to authorize the examination of Richard B. Adams for admission as an Attorney at Law.”
- Cap. 46.—“ An Act to authorize the Town of Milltown, in the County of Charlotte, to take Stock in the Saint Croix Cotton Mill Company, and to issue Debentures for the purchase of such stock.”
- Cap. 47.—“ An Act further to amend an Act to incorporate certain Districts in the Town of Saint Stephen, in the County of Charlotte, to be known as the Town of Saint Stephen, to legalize the present Lock-up House and to authorize said Town to provide a new one.”
- Cap. 48.—“ An Act relating to the Police establishment in the Town of Woodstock, County of Carleton.”
- Cap. 49.—“ An Act to alter the Polling Place in the Parish of Johnston, Queen's County.”
- Cap. 50.—“ An Act to amend and extend the Charter and Powers of the Peters Combination Lock Company.”
- Cap. 51.—“ An Act in addition to and in amendment of an Act intituled: ‘ An Act to incorporate the Sheer Boom Improvement Company.’”
- Cap. 52.—“ An Act to authorize the erection of a Telephone between Chatham and Black Brook, in the County of Northumberland.”
- Cap. 53.—“ An Act to incorporate the Harvey Bay View Cemetery Company.”
- Cap. 54.—“ An Act to incorporate the Albert Milling and Manufacturing Company.”
- Cap. 55.—“ An Act to authorize the erection of certain Telephones in the Parishes of Bathurst and Caraquet, Gloucester County.”
- Cap. 56.—“ An Act to provide for a Water Supply for Saint Peter's Village, Gloucester County.”
- Cap. 57.—“ An Act to incorporate the Rocky Brook and Trout Brook Improvement Company.”
- Cap. 58.—“ An Act to incorporate the Saint Croix Cotton Mill Company.”

DEPARTMENT OF JUSTICE, OTTAWA, 11th November, 1881.

*To His Excellency the Governor General in Council.*

The undersigned has the honor to report upon the Statutes passed by the Legislature of the Province of New Brunswick, in the forty-second year of Her Majesty's Reign, received by the Secretary of State on the 11th December, 1880, as follows:—

Cap. 1.—“An Act to provide for defraying certain Expenses of the Civil Government of the Province.”

Cap. 2.—“An Act to provide for the repair and improvement of Roads and Bridges and other Public Works and Services.”

Cap. 3.—“An Act relating to the indemnity to members of the Legislature, and the salaries of the President of the Legislative Council and Speaker of the House of Assembly.”

Cap. 4.—“An Act relating to free grants of Crown Lands.”

Cap. 5.—“An Act in amendment of Cap. 13 of the Consolidated Statutes, of ‘Trespasses to Lands and other Property of the Crown.’”

Cap. 6.—“An Act in amendment of Cap. 65 of the Consolidated Statutes of ‘Schools.’”

Cap. 7.—“An Act relating to the Supreme Court.”

Cap. 8.—“An Act to facilitate the transaction of the Business of the Supreme Court.”

Cap. 9.—“An Act relating to the Office of Solicitor-General.”

Cap. 10.—“An Act relating to certain Fees in the several County Courts in this Province.”

Cap. 11.—“An Act to alter the time for holding the June Term of the County Court in the County of Albert.”

Cap. 12.—“An Act to amend Cap. 59 of the Consolidated Statutes of Parish Courts.”

Cap. 13.—“An Act relating to the procedure in the Courts of Stipendiary Magistrates, Parish Court Commissioners and Justices of the Peace.”

Cap. 14.—“An Act relating to Revisors, and to amend Cap. 4 of the Consolidated Statutes of Elections to the General Assembly.”

Cap. 15.—“An Act to amend Cap. 4 of the Consolidated Statutes of Elections to the General Assembly as far as relates to the County of York.”

Cap. 16.—“An Act to provide for Simultaneous Elections in the Province.”

Cap. 17.—“An Act in addition to Cap. 99 of the Consolidated Statutes of Municipalities.”

Cap. 18.—“An Act to amend the Law relating to Municipalities.”

Cap. 19.—“An Act to continue Cap. 113 of the Consolidated Statutes, of the destruction of Bears.”

Cap. 20.—“An Act to amend an Act intituled: ‘An Act for the protection of certain Birds and Animals.’”

Cap. 21.—“An Act to amend Cap. 103 of the Consolidated Statutes, of Bastardy.”

Cap. 22.—“An Act to amend an Act intituled: ‘An Act to incorporate the Dalhousie Branch Railway Company.’”

Cap. 23.—“An Act to further continue the several Acts relating to the Saint Martins and Upham Railway.”

Cap. 24.—“An Act to continue the time for the construction of the Elgin, Petitcodiac and Havelock Railway.”

Cap. 25.—“An Act to consolidate and amend certain Acts incorporating and relating to the Saint John Protestant Orphan Asylum.”

Cap. 26.—“An Act to incorporate the Sisters of Charity of the Diocese of Saint John, N. B.”

Cap. 27.—“An Act to incorporate the Reformed Presbyterian Church in the Province of New Brunswick, in connection with the General Synod of the Reformed Presbyterian Church in North America.”

Cap. 28.—“ An Act to amend an Act intituled : ‘ An Act to incorporate the York and Carleton Steamboat Company. ’ ”

The above Acts do not seem to call for any special remarks, or for the exercise of the power of disallowance. I recommend that they be left to their operation.

Cap. 29.—“ An Act to incorporate the Sheer Boom Improvement Company. ”

Cap. 30.—“ An Act to incorporate the Restigouche Boom Company. ”

These Acts incorporate Companies for the purpose of constructing booms on certain streams in the Province to facilitate the driving of timber and logs. The legislative authority of the Provincial Legislatures over the subject matter of these Acts is not entirely free from doubt, inasmuch as the subject is necessarily closely allied to that of navigation over which the Parliament of Canada has exclusive legislative authority. Inasmuch, however, as Provincial Legislation of a similar nature has frequently been allowed to go into operation since Confederation, and as the Companies do not in law acquire by these Acts any power to interfere with the navigation of such rivers or parts of rivers as are navigable, the undersigned recommends that the power of disallowance be not exercised with respect to these Acts.

The undersigned, however, recommends that the attention of the Lieutenant Governor be called to these remarks.

Cap. 31.—“ An Act to incorporate the New Brunswick Sugar Refining Company. ”

Cap. 32.—“ An Act to incorporate the Saint John Club. ”

Cap. 33.—“ An Act to consolidate and amend the laws now in force relating to Saint Andrew’s Church in the City of Saint John, and for incorporating certain persons Trustees of the said Church. ”

Cap. 34.—“ An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Canning, Queen’s County, to change the locality of their Parish Church. ”

Cap. 35.—“ An Act to amend an Act, intituled : ‘ An Act to incorporate the Moosepath Driving Park Association. ’ ”

Cap. 36.—“ An Act in amendment of Cap. 115 of the Consolidated Statutes of ‘ Sewers and Marsh Lands. ’ ”

Cap. 37.—“ An Act to erect part of the Parish of Northesk, in the County of Northumberland, into a separate Parish. ”

Cap. 38.—“ An Act to repeal an Act intituled : ‘ An Act to amend an Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland ’ and to make other provisions in lieu thereof. ”

Cap. 39.—“ An Act to amend an Act intituled : ‘ An Act to provide more effectually for repairing the Roads, Streets and Bridges in a part of the Parish of Chatham, in the County of Northumberland. ’ ”

Cap. 40.—“ An Act to amend Cap. 68 of the Consolidated Statutes, of ‘ Highways ’ as far as relates to certain Districts in the Parish of Sussex. ”

Cap. 41.—“ An Act relating to the administration of justice in the County of York. ”

Cap. 42.—“ An Act to erect part of the Parish of Canterbury, in the County of York into a separate Parish. ”

Cap. 43.—“ An Act relating to Collectors of Rates and Constables in York County. ”

Cap. 44.—“ An Act relating to assessment in the City of Fredericton for Exhibition Debentures. ”

Cap. 45.—“ An Act further to authorize the City of Fredericton to raise money by issue of Debentures towards the permanent Exhibition Building in said City. ”

Cap. 46.—“ An Act to amend an Act made and passed in the forty-first year of Her Majesty’s Reign, intituled : ‘ An Act to define and establish the side lines of streets in the City of Saint John, and to prevent encroachments on the public streets. ’ ”

Cap. 47.—“ An Act to amend Cap. 100 of the Consolidated Statutes, title ‘ Rates and Taxes, ’ in respect of the Parishes of Simonds, Saint Martins, Lancaster and Musquash, in the City and County of Saint John. ”

Cap. 48.—“ An Act relating to Rates and Taxes in the City and County of Saint John.”

Cap. 49.—“ An Act in further amendment of the law relating to the levying, assessing and collecting of Rates and Taxes in the City of Saint John.”

Cap. 50.—“ An Act to authorize the sale of lands purchased for a Slaughter House in the City and County of Saint John.”

Cap. 51.—“ An Act in addition to and amendment of certain Acts relating to Public Slaughter Houses in the City and County of Saint John.”

Cap. 52.—“ An Act in addition to an Act intituled: ‘ An Act relating to the Roman Catholic Burial Ground in the Parish of Portland, City and County of Saint John.’”

Cap. 53.—“ An Act to enable the Town of Portland to issue Debentures to complete Harris Street in said Town.”

Cap. 54.—“ An Act relating to the further extension of Canterbury Street in the City of Saint John.”

Cap. 55.—“ An Act to authorize the issue of Debentures by School District No. 13 in the Parish of Lancaster, in the City and County of Saint John.”

Cap. 56.—“ An Act to authorize the Trustees of School District No. 1, in the Parish of Lancaster, in the City and County of Saint John, to issue Debentures.”

Cap. 57.—“ An Act to extend the Parish of Addington, in the County of Restigouche.”

Cap. 58.—“ An Act further to define the boundary of the Parish of Harvey, in the County of Albert.”

Cap. 59.—“ An Act to authorize the County Council of the Municipality of Carleton, to exempt from taxation Capital invested in said Municipality in the erection of Manufactories for the making of Sugar from Sugar Beets or Cane, and to manufacture Woollen Cloth.”

Cap. 60.—“ An Act to empower the Town Council in the Town of Moncton to exempt manufacturing enterprises hereafter established in the Town of Moncton from taxation for a term of years.”

Cap. 61.—“ An Act to make valid and effectual a certain Deed from the Rector, Church Wardens and Vestry, of Christ Church, in the Parish of Maugerville, to Elizabeth J. Bailey.”

Cap. 62.—“ An Act to enable Margaret Firth to convey lands and property by way of mortgage in certain cases.”

Cap. 63.—“ An Act to provide for the application of the annual income arising from the property devised to the Trustees of the Wesleyan Methodist Church in the City of St. John, by Mark Varley, late of the said City, brickmaker, now deceased.

Cap. 64.—“ An Act to vest the legal title in certain lands devised under the lost will and testament of William Sedgwick, late of the Parish of Southampton, in the County of York, for educational purposes in that Parish, in the Trustees of School District No. 6, in the Parish of Southampton.”

Cap. 65.—“ An Act to legalize the assessment made by the Hon. Amos E. Botsford, Amos Ogden and Martin Trueman, the Commissioners appointed under Cap. 79, 36 Vic., to ascertain, fix and assess for the amount due to the Commissioners of German Town Lake appointed under Act 22nd Vic., Cap. 53.

These Acts do not seem to call for any special remark or for the exercise of the power of disallowance. I recommend that they be left to their operation.

A. CAMPBELL, Minister of Justice.

GOVERNMENT HOUSE, FREDERICTON, January 16th, 1877.

SIR,—I have the honor to forward, in compliance with the request of a Committee of my Executive Council, a copy of the report of the Attorney General upon

certain Acts relating to the withholding of liquor licenses, for transmission to His Excellency the Governor General.

I have the honor to be, Sir, your obedient servant,

S. L. TILLEY,

The Honorable the Secretary of State for Canada.

*REPORT of the Attorney General upon certain Acts relating to the withholding of liquor licenses.*

At the last Session of the Legislature, a resolution was passed by the House of Assembly to the effect that it is desirable that the Government should take the necessary steps to ascertain the powers of the Legislature as to granting or withholding licenses to sell spirituous liquors.

The following are the most material provisions of the Acts of Assembly relating to the withholding of such licenses :

34 Vic., Cap. 6, Sec. 1, enacts that no license shall be granted or issued within any parish or municipality when a majority of the ratepayers resident in such parish or municipality shall petition the Sessions or Municipal Council against issuing any license within such parish or municipality.

39 Vic., Cap. 32, Sec. 2, provides that the number of licenses to be granted within the City of Fredericton shall not in any year exceed one for each full three hundred of the population according to the clauses next preceding the granting of the licenses.

The Supreme Court of this Province in *Regina vs. the Justices of the Peace of the County of Kings*. 2nd. Pugsley's Reports, p. 535, decided that the provisions of 34 Vic., Cap. 6, Sec. 1, are void as being beyond the powers of the Legislature.

The second mentioned Act (39 Vic., Cap. 32) has been left to its operation by His Excellency the Governor General in Council.

By Section 52 of the Supreme and Exchequer Court of Canada, it is enacted that the Governor General in Council may refer to the Supreme Court of Canada for hearing or consideration any matter whatsoever as he may think fit, and the Court shall thereupon hear and consider the same and certify their opinion thereon to the Governor in Council.

Application might be made to His Excellency the Governor General in Council, that His Excellency might be pleased to refer to the Supreme Court of Canada the question of the validity of the above recited clauses of 34 Vic., Cap. 6 and 39 Vic., Cap. 32.

In the event of such reference being made, this Government would be prepared to assume any expense attending the reference.

In case His Excellency the Governor General in Council should not be pleased to make such reference the questions raised by the said Act might be submitted to the Supreme Court of the Province upon a special case with a view to their ultimate determination on appeal by the Supreme Court of Canada, but inasmuch as the second section of the Act 39 Vic., Cap. 32, does not come into operation until 1st May, A.D. 1877, it is conceived that the Supreme Court of the Province would decline to entertain at the present any question touching the validity of such Act.

After the coming into force of the 2nd section, 39 Vic., Cap. 32, the course above proposed might be pursued.

G. E. KING.

DEPARTMENT OF SECRETARY OF STATE, 3rd February, 1877.

SIR,—With reference to your despatch of the 16th ultimo, on the subject of certain Acts relating to the withholding of Liquor Licenses, I am directed to transmit to you, herewith, a copy of a Report of the Minister of Justice, of the 29th ultimo, on the subject, and to inform you that, with every desire to meet the views

of your Government, it is thought, for the reasons in the said Report assigned, to be inexpedient to make the proposed reference alluded to in your Attorney-General's Report, which accompanied your despatch of the 15th ultimo.

I have the honor to be, Sir, your obedient servant,

R. W. SCOTT.

His Honor the Lieutenant-Governor of New Brunswick, Fredericton.

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 GOVERNMENT HOUSE FREDERICTON, February, 7th, 1877.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 3rd instant, in reply to my letter of the 16th ultimo, on the subject of certain Acts relating to the withholding of Liquor Licenses, together with a copy of a Report of the Minister of Justice, of the 29th ultimo, on the subject.

I enclose a copy of a Report of a Committee of the Executive Council, which was omitted with my previous despatch.

I have the honor to be, Sir, your obedient servant,

S. L. TILLEY.

To the Hon. the Secretary of State for Canada.

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*Copy of a Report of a Committee of the Executive Council, approved by His Honor the Lieutenant-Governor in Council, on the 13th January, 1877.*

Upon the Report of the Attorney-General, upon certain Acts relating to the withholding of Liquor Licenses, the Committee advise that the Report be approved and a copy thereof transmitted to His Excellency the Governor General.

F. A. H. STRATON, C. E. C.

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 GOVERNMENT HOUSE, FREDERICTON, October 13th 1877.

SIR,—I have the honor to transmit, herewith, a certified copy, in manuscript, of the Acts passed at a short Session of the Legislature, held in August and September last.

I did not consider it advisable to suspend the publication of the Statutes, now nearly completed, with a view to having these Acts printed before transmission, inasmuch as they were chiefly of a local nature, but at an early day the usual number of printed copies will be duly forwarded to you.

I have the honor to be, Sir, your obedient servant,

S. L. TILLEY.

To the Hon. Secretary of State for Canada.

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*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 28th September, 1878.*

On the recommendation of the Hon. the Minister of Justice, and for other reasons stated in his Report, dated 27th September, 1878, the Committee advise that the Acts passed by the General Assembly, of the Province of New Brunswick, at the special Session, in the months of August and September, 1877, being chapters 1 to 23, inclusive, be left to their operation, and the attention of the Lieutenant-Governor be called to the remarks and suggestions contained in said Report.

W. A. HIMSWORTH, C. P. C.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 22nd February, 1878.

The Committee of Council have had before them the Report dated 22nd December, 1877, from the Honorable the Minister of Justice, upon the Acts of the General Assembly of the Province of New Brunswick, passed in the fortieth year of Her Majesty's Reign, A.D. 1877, and they concur in the several recommendations therein submitted, that the Acts reported as unobjectionable be left to their operation, and that the attention of the Lieutenant-Governor be called to the remarks contained in said report.

W. A. HIMSWORTH, C.P.C.

To the Hon. Secretary of State.

GOVERNMENT HOUSE, FREDERICTON, 28th February, 1878.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 25th instant, and of a copy transmitted therewith of an Order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice therein referred to, upon the Acts of the Legislature of this Province, 40th Vic., 1877, for the information of my Government.

I shall, without delay, submit these documents to my Council for their information and consideration.

I have the honor to be, Sir, your obedient servant,

S. L. TILLEY.

To the Honorable Secretary of State for Canada.

DEPARTMENT OF JUSTICE, OTTAWA, 26th April, 1878.

The Secretary of State will please communicate with the Lieutenant-Governor of New Brunswick, and request him to say what action (if any) has been taken in reference to the objections made to certain provisions of certain Statutes passed by the Legislature of New Brunswick last year. As the time for disallowance will expire on the 19th May next, he should be requested to reply at his earliest possible convenience.

Z. A. LASH, D.M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 13th May, 1878.

If a reply has not already been received from the New Brunswick Government respecting the Acts of last Session of their Legislature, please telegraph them for a reply.

Z. A. LASH, D.M.J.

To the Under Secretary of State.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 13th May, 1878.

Unless reply to my letter of 1st instant, mailed on the 11th, please telegraph reply.

R. W. SCOTT.

To Lieut.-Governor, Fredericton, N.B.

By Telegraph from St. John, N.B.

OTTAWA, 14th May, 1878.

Attorney-General's Report only received last evening and mailed. Municipality Act of seventy-seven was repealed by its incorporation in Consolidated Statutes under authority of Chapter thirteen of Acts of seventy-seven, the repeal is noted on page



one thousand and nine of the Consolidated Statutes, which please see, the same is the case with the Act relating to fences, trespasses and pounds. See page one thousand and ten of Consolidated Statutes, the provisions of the Liquor Act relating to Indians and Articled Seamen were repealed at the late Session.

S. L. TILLEY.

To the Hon. Secretary of State.

COPY of a Report of the Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 22nd May, 1878.

On the recommendation of the Hon. the Minister of Justice, and for the reasons specified in his Report dated 16th May, 1878, the Committee advise that the Acts of the General Assembly of the Province of New Brunswick, passed in the 40th year of Her Majesty's Reign (1877), be left to their operation.

W. A. HIMSWORTH, C.P.C.

The Hon. Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE, 23rd May, 1878.

SIR,—I have the honor to transmit to you herewith, for the information of your Government, a copy of an Order in Council dated 22nd inst., together with a copy of the Report of the Hon. the Minister of Justice therein referred to upon the Acts of the General Assembly of the Province of New Brunswick, passed in the 40th year of Her Majesty's Reign (1877), the same to be left to their operation.

I have, &c.,

R. W. SCOTT,

His Honor the Lieut.-Governor of New Brunswick, Fredericton.

GOVERNMENT HOUSE, FREDERICTON, 4th May, 1878.

SIR,—I have the honor to transmit to you herewith, in advance of the General Acts passed at the last Session of the Legislature of this Province, a manuscript copy of an Act intituled: "An Act to incorporate the St. John and Maine Railway, Cap. 92."

I do this at the request of the representative of the bondholders of "the European and North American Railway" westward, as that railway is soon to be sold under a foreclosure of mortgage, and the bondholders who are likely to be the purchasers, naturally desire that the question of the constitutionality of the recent legislation should be settled. Mr. Murray Kay, the representative of the bondholders, is now on his way to Ottawa to confer with the Honorable the Minister of Justice.

The following is a copy of the Attorney General's certificate on the Acts, and which refers to the Act above alluded to.

"I certify that these Acts are within the competency of the Legislature of the Province. The title of the Bill intituled: "An Act to incorporate the St. John and Maine Railway Company" is objectionable as seeming to show that the line of railway extends beyond the limits of the Province, but on the whole I am of opinion that the Act is a proper one to be assented to.

"G. E. KING.

' April 18th, 1878."

I have the honor to be, Sir, your obedient servant,

S. L. TILLEY.

The Hon. Secretary of State for Canada.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 2nd July, 1878.*

On a Report, dated 20th June, 1878, from the Hon. Mr. Scott, acting in the absence of the Minister of Justice, stating that an Act was passed by the Legislative Assembly of the Province of New Brunswick at its last Session (assented to on 18th April, 1878) intituled: "An Act to incorporate the St. John and Maine Railway Company," which Act was transmitted by the Lieut.-Governor in advance of the General Acts of the Session, in order that the same might be considered at an early day;

That having carefully examined the Act and having considered in connection therewith the Act of the Province of New Brunswick before Confederation, passed in the year 1864, Cap. 43, and entitled: "An Act to incorporate the European and North American Railway Company for extension from St. John westward," and the Act of the Parliament of Canada passed in the year 1875, Cap. 71, he is of opinion that it is a proper Act to leave to its operation, and he recommends accordingly.

That the title is somewhat objectionable as indicating that the railway may extend beyond the Province and into the State of Maine, that as a matter of fact however the line is to be within the Province, and that as the title of the Company is a convenient one as indicating the two termini of the line, the power of disallowance should not be thinks be exercised on this account merely.

The Committee advise that the Act be left to its operation.

W. A. HILSWORTH.

The Hon. Secretary of State.

DEPARTMENT SECRETARY OF STATE, 10th July, 1878.

SIR,—Referring to your despatch of the 4th May last, I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General in Council has been pleased to order that the Act therein enclosed passed by the Legislature of the Province of New Brunswick at its last Session, assented to on the 18th April, 1878, intituled: "An Act to incorporate the St. John and Maine Railway Company" be left to its operation.

I have, &c.,

R. W. SCOTT.

His Honor the Lieutenant-Governor of New Brunswick, Fredericton.

GOVERNMENT HOUSE, FREDERICTON, May 14th, 1878.

SIR,—I have the honor to transmit to you, herewith, the Report of my late Attorney General, in reference to the Report of the Honorable the Minister of Justice on the Acts of the Legislature of this Province, passed in 1877, 40 Vic., and which with the order of His Excellency the Governor General in Council was forwarded to me from your Department on the 25th February last.

I have, &c.,

S. L. TILLEY.

The Hon. Secretary of State for Canada.

*MEMORANDUM for His Honor the Lieutenant-Governor upon the Report dated 22nd December, 1877, from the Honorable the Minister of Justice upon the Acts of the General Assembly of this Province, passed in the 40th year of Her Majesty's reign.*

Cap. 3.—"An Act relating to municipalities," certain sections of which were objected to were repealed by its incorporation in Consolidated Statutes under the authority of Cap. 13 of Acts of 1877, and now appears as Cap. 99 of the Consolidated Statutes. The repeal is noted on page 1009 of the Consolidated Statutes.

At the late Session of the Legislature so much of Section 17 of Cap. 99 of the Consolidated Statutes as imposes a penalty in respect of a false declaration, was repealed.

In the Consolidated Statutes care was taken to avoid the use of the word "offence," as describing the breach of Provincial law, and in the instances in which the word had been inadvertently used, in the Acts of 1877, it will be found that in the consolidation of such Statutes the word is omitted.

Sections 92, 93, 94 of Cap. 99 of the Consolidated Statutes were not repealed as it is conceived that while perhaps they are of doubtful policy they are clearly within the competence of the Local Legislatures.

The Act 49 Vic., Cap. 3, in which the above sections first occur, and to which objection was taken, is, however, repealed as above stated.

Sub-Sections 32 and 39 of Section 96 of Cap. 99 of the Consolidated Statutes (being the sections corresponding to Sub-Section 32 and 39 of Section 96 of Cap. 3 of the Acts of 1877) were also repealed at the late Session of the Legislature.

Cap. 25.—"An Act to regulate the sale of spirituous liquors in the Parishes of Lancaster, Simonds and St. Martins, in the City and County of St. John.

Sections 19 and 20 (and also Section 30 of Cap. 105 of the Consolidated Statutes which was open to the same objection) was also repealed at the late Session of the Legislature.

G. E. KING.

GOVERNMENT HOUSE, FREDERICTON, N.B., 17th April, 1879.

SIR,—I have the honor to transmit herewith, for the consideration of His Excellency the Governor General in Council, a copy of a minute of my Executive Council, approved of by me this day on the subject of making provisions for the salary of a Judge in Equity, together with copies of the Acts passed at the recent Session of the Legislature referred to in the said minute of Council.

I have, &c.,

Ed. B. CHANDLER, Lieutenant-Governor, N.B.

The Hon. the Secretary of State, Ottawa.

17th April, 1879.

*Present :*

HIS HONOR THE LIEUTENANT-GOVERNOR IN COUNCIL.

Upon the recommendation of the Hon. the Attorney-General, ordered, that copies of the Acts passed at the Session of the Legislature, just closed, severally intituled: "An Act relating to the Supreme Court," and "An Act to facilitate the transaction of the business of the Supreme Court," be transmitted to the Secretary of State, Ottawa, and that the Dominion Government be respectfully requested to make provision for the salary of the Judge in Equity, to be appointed on the bringing into force of the first mentioned Act.

F. A. H. STRATON, C. P. C.

FREDERICTON, 28th April, 1879.

SIR,—At the last Session of the New Brunswick Legislature there was passed inter alia "An Act relating to the Supreme Court," and "An Act to facilitate the transaction of the business of the Supreme Court."

These Acts have been transmitted to the Hon. the Secretary of State at Ottawa, together with a copy of an Order, passed by His Honor the Lieutenant-Governor in Council, requesting that the Dominion Government would cause provision to be made for the salary of the Judge in Equity, to be appointed on the coming into force of the first mentioned Act.

In view of the legislation thus had, it may be proper that I should bring under your notice, the state of matters which rendered such legislation necessary.

Up to the year 1872, although the business of the Supreme Court, *en banc*, was slightly in arrear, yet no serious inconvenience was thereby caused to suitors, but in that year, quite a block commenced, which has since been constantly on the increase, and for the last two years, it has been felt that some measure of relief must be obtained, and the manifest injustice to suitors, which had become matters of serious and just complaint, be removed if possible.

The Judges sitting during the four terms of Hilary, Easter, Trinity and Michaelmas, have, during the last few years, occupied fully three weeks for each term. There are also eleven monthly sittings in Equity, held at Fredericton, generally occupying from one to two weeks each for hearings in Equity, besides which the Equity side of the Supreme Court is always open for the transaction of other equity business.

Of the twenty-six Circuit Courts held each year in the various Counties of the Province, no less than five of these Circuits are held in St. John, and the number of days of Circuit sittings, in St. John, has, for some years past, averaged about one hundred days in the year, notwithstanding which there are large arrears of entries on the St. John dockets.

Looking at the above as well as at the other business which the Judges are called upon to perform at Chambers; also, the matter of election petitions and otherwise, it may readily be admitted that it is from the vast amount of labor to be done, and not from any want of full attention to the diligent discharge of their duty on the part of the Judges, that the present state of matters exist.

A remedy for this condition of the Court business, has for a year or so past, been much discussed by the members of the Bar and by the Barristers' Society, and Committees have been appointed to confer with the Local Government on the subject.

This led to the drafting of a Bill prior to the Session of 1878, one of the provisions of which Bill was the creation of an additional Judge, but, owing to various circumstances, the measure was not matured so as to ask the Legislature for its then enactment. The necessity for some action was, however, fully conceded, and it was generally understood that another Session of the Legislature should not be allowed to pass without some action being taken.

During the last summer, the whole subject of the state of business in the Supreme Court was carefully considered by the Government, and at Hilary term last, and before the opening of the late Session of the Legislature, a Committee of the Barristers' Society was appointed again to consider the whole question, which Committee made full reports that were discussed at length by the Society, and resolutions were adopted favoring the appointment of an additional Judge, and approving of a proposal to have the Court sit in two divisions as the only means of bringing up the arrears of business and preventing any future block.

The reports of the Committee, with the resolutions, were laid before the Government for their consideration.

Bills, of which the present Acts are copies, were then prepared, embodying such suggestions of the Barristers' Society, and members of the Bar, as were thought would be most likely to afford the best means to advance the administration of justice in the Supreme Court.

It was found that the Court at the then Hilary Term would commence with business which was entered for argument in the Hilary Term previous, and which business, if there had been no arrearages, ought to and would have been then heard and disposed of. In addition to which, from the great pressure upon the time of the Judges, and from their desire to reduce the number of unheard causes standing upon the docket, the Court were obliged to hold, term after term, the preparation of judgments in causes which had been heard.

Besides this, in important Equity causes, for the same reasons, the delivery of judgments was unavoidably withheld for a very great length of time, to the serious prejudice of suitors.

By the creation, as proposed, of a Judge in Equity, who should also be a Judge of the Supreme Court, but not required to attend circuits, and whose peculiar duty it would be to attend to Equity causes, the business in Equity can be more promptly and efficiently attended to, and the practice of the Court become more uniform and certain, than was found to be the case when the several Judges took the Equity sittings alternately, and the addition of this Judge also makes practicable divisional sitting of the Supreme Court, for the disposition of the business *en banc*, thus enabling the Court to overtake the arrearages, and be the means of preventing the recurrence of any future undue accumulation of business.

I may add that both Acts, before their introduction into the Assembly, were submitted to the Chief Justice, and some other of the Judges, who approved both measures, and expressed a strong opinion that they would effect the object sought to be attained.

I have the honor to be, Sir, your obedient servant,

JNO. JAS. FRASER.

The Hon. JAMES McDONALD, Minister of Justice, Ottawa.

DEPARTMENT OF JUSTICE, OTTAWA, July 18th, 1879.

I transfer to the Secretary of State a Petition of Elisha P. Turner, against an Act passed by the Legislature of New Brunswick at its last Session, and recommend that a copy of the same be transmitted to the Government of New Brunswick, with a request that the same may be communicated to those who are interested in supporting the Act, for such remarks as they may think proper to make, and that the Government of New Brunswick be invited to make such remarks as they may think proper.

A. POWER, for D. M. J.

DORCHESTER, N. B., 8th July, 1879.

DEAR SIR,—On behalf of E. P. Turner, of Harvey, in Albert Co., N. B., I now forward you, for His Excellency the Governor General's approval, a Petition against an Act of our Legislature, passed last Session.

You will please bring the matter before His Excellency that it may receive consideration, as it is a very important matter to Mr. Turner and oppressive legislation against him.

I remain, your obedient servant,

D. L. HANNINGTON.

To Major DE WINTON.

To His Excellency Sir John Douglas Campbell (commonly called the Marquis of Lorne), Knight, and Governor General of Canada.

The Petition of Elisha P. Turner, of Harvey, in the County of Albert, in the Province of New Brunswick, humbly sheweth:—

1. That in or about the year 1861 an assessment was professedly made by Michael Keever and others as Commissioners, German Town Lake District, in the said County of Albert, by which an amount of about \$1,200 was ordered to be paid by myself, and your petitioner being dissatisfied therewith took the usual proceedings in the Supreme Court of this Province, to have said assessment set aside and quashed, which, after long argument, was done by a judgment of said Court *re Regina vs. the Commissioners of German Town Lake District*, published in the 1st Vol. of Hanney's Report (to which your petitioner would beg leave to refer), on the ground, among others, that the said Commissioners were and had acted in said assessment and work as judges in a matter in which they were personally and pecuniarily interested.

2. That afterwards the said Michael Keever, and others interested in said assessment, applied to the Legislature of the Province, from time to time, to legalize the same, in which they failed.

3. That in the year 1873, 36th Vic., Cap. 79, an Act of the Legislature of this Province was passed authorizing the appointment of Commissioners to ascertain, fix and determine the amount due or to be paid by the owners of said District (and Your Petitioner would refer Your Honor to said Act), and Section 2nd thereof provides that the said Commissioners shall, in such assessment, have due regard (among other things) and "take into consideration and allow such amount for improvements at any one time therefor, made by any proprietor or owner of land in said district, and for any labor or money he may have expended in cutting, making, repairing or maintaining any canal or dyke made in said district, and for any legal, taxable costs incurred by any Commissioner or proprietor by litigation in reference to said district, as they may consider just and reasonable."

4. That your Petitioner had long before constructed and thus had a canal and other very expensive works amounting to the cost of several thousand dollars in said lands, and of benefit to others besides himself, and had also expended a large amount in taxable costs in reference to the matters mentioned in said section, and which should have been ascertained and taken into consideration by Commissioners under said Act.

5. That the Honorable Amos E. Botsford, Amos Ogden and Martin Trueman were, in or about the year 1874, appointed Commissioners under said Act, and, in July of the year 1874, went to the County of Albert, and on the day or day before they went on the marsh to hold the examination thereof; on the public road, one mile from the marsh in question, met your Petitioner, who was then on his way under subpoena to attend the Circuit Court as a grand juror, and told him they were going to said district to enquire; to which your Petitioner told them where he was going, that he could not recognize them as Commissioners, but would be glad to see them as private individuals; and your Petitioner at once, on arriving at Court, consulted his counsel about said matters, and was advised by them that the Commissioners would hold an enquiry and would doubtless notify him of the time and place, and for your Petitioner to attend and protest against their power, but to give evidence of the facts, and your Petitioner claims for his canal and other works and expenditure referred to in said last mentioned Act, which Your petitioner intended to do, but never received any notice of any Court or enquiry, nor had any notice (except the conversation on the road aforesaid, which was only general as aforesaid) of any enquiry or investigation of the matter until it was all over, as your Petitioner believes.

6. That afterwards the said Commissioners made an assessment, or professed to do so in the matter, and assessed against your Petitioner the sum of seven hundred and sixty-nine dollars and eighty-nine cents (\$769.89), which was done without any evidence taken on oath, nor was any proper or sufficient notice to your Petitioner, nor a fair opportunity given for the proof of his claims or the taxation of his costs which costs had to be taxed at Fredericton by the Clerk of the Superior Court, some two hundred miles from where the enquiry took place.

7. That the said assessment so made as last aforesaid, was made without any sworn evidence, or any proper Court of enquiry held, or notice to your Petitioner and others interested being given—and upon the statements not under oath of said Michael Keever and others made *ex parte*, and no proof of your Petitioner's expenditure, under the terms of said Act of 1873, and is most unjust to your Petitioner.

8. That your Petitioner took proceedings in the fall of the year 1876. When the sale of his property was attempted to be made, and on the arguments and affidavits by the Commissioners and others, and cause shown on behalf of said Commissioners and in support of the assessment, and the above grounds (among others) urged against the said Commissioners, the Supreme Court of this Province made the rule for *certiorari* absolute, whereupon a return was made, during the last few months, by the Commissioners *pro forma*, a rule to quash the same would issue.

9. That the said last mentioned assessment was, and is, illegal and void; as your Petitioner is advised and believes, and as he is informed, the Court virtually decided

not on mere formal or technical grounds, but on the merits, and because no proper notice was given to your Petitioner, nor any proper enquiry held or evidence on oath given.

10. That, during the last Session of the Legislature, a Bill, intituled: "An Act to legalize the assessment made by the Honorable Amos E. Botsford, Amos Ogden and Martin Trueman, the Commissioners appointed, under Cap. 79, 36 Vic., to ascertain, fix and assess, for the amount due to the Commissioners of German Town Lake, appointed under Act 22 Vic., Cap. 53, was introduced, and, though approved by the Hon. the Attorney General and others, on the ground that it was improper legislation, a majority voted therefor, and it was carried, also, in the Legislative Council, notwithstanding the papers and facts submitted proved that no proper enquiry was held, or notice given, by the said Commissioners."

11. That, as your Petitioner believes, the said Act, so passed this past Session, is unjust, illegal and oppressive, and seeks to enforce a claim against your Petitioner that is illegal and unjust, and your Petitioner, therefore, prays that the same may be disallowed by Your Excellency, and the parties left to a new assessment, or a proper enquiry, or other legal remedy, as if said Act be allowed it will cause a great injury and wrong to your Petitioner, as he verily believes.

And your Petitioner, as in duty bound, will ever pray,

ELISHA P. TURNER.

DEPARTMENT OF SECRETARY OF STATE, 22nd August, 1879.

SIR,—I am directed to call attention to your letter of the 26th June last, transmitting the papers connected with the memorial of certain debenture holders, praying for the disallowance of the Act to amend an Act incorporating the New Brunswick and Canada Railway Company, and in which you stated that the memorial had been referred to your Attorney-General for report, and that he requested that action by this Government might be suspended until he, the Attorney General, had sent in his Report, and request that, as this Report has not yet come to hand, that you will be pleased to take the necessary steps for sending the Report in question at an early date.

I have, &c.,

E. J. LANGEVIN.

His Honor the Lieut.-Governor of New Brunswick, Fredericton.

*COPY of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council, on the 28th October, 1879.*

On a Report, dated 22nd October, 1879, from the Hon. the Minister of Justice, upon certain Acts from Cap. 24 to Cap. 113, passed by the Legislature of the Province of New Brunswick, in the month of April, 1878, and received by this Government on the 22nd day of March, 1879;

On the recommendation of the Minister of Justice, the Committee advise that the Acts reported on be left to their operation.

J. O. COTÉ, Assistant Clerk.

4th November, 1879.

SIR,—I have the honor to transmit to you herewith, for the information of your Government, a copy of an Order in Council dated 28th instant, together with a copy of the Report of the Hon. the Minister of Justice therein referred to, upon the Acts, from Cap. 24 to Cap. 113, passed by the Legislature of the Province of New Brun-

wick, in the month of April, 1878, and received by this Government on the 22nd of March, 1879, the same to be left to their operation.

I have, &c.,

J. C. AIKINS, Secretary of State.

His Honor the Lieutenant-Governor of New Brunswick, Fredericton.

GOVERNMENT HOUSE, FREDERICTON, July 5th, 1880.

SIR,—I have the honor to transmit herewith six certified copies of the Acts passed by the Legislature of this Province during the Session which closed on the 23rd day of April last, also six copies not certified.

I have the honor to be, Sir, your obedient servant,

ROBT. D. WILMOT, Lieutenant-Governor.

Hon. the Secretary of State, Ottawa,

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 12th July, 1881.*

On a memorandum, dated 25th June, 1881, from the Honorable the Minister of Justice, reporting with respect to the Acts passed by the Legislature of the Province of New Brunswick, in the year 1880, and recommending that the power of disallowance be not exercised with respect to the whole of the said Acts, being Cap. 1 to Cap. 58 inclusive;

The Committee submit the above recommendation for Your Excellency's approval.

J. O. COTÉ, C.P.C.

The Hon. the Secretary of State.

19th July, 1881.

SIR,—I have the honor to inform you that His Excellency the Governor General has had under his consideration the Acts passed by the Legislature of the Province of New Brunswick in the year 1880, and that His Excellency has not thought fit to exercise the power of disallowance with respect to the said Acts, being Cap. 1 to Cap. 58 inclusive.

I have, &c.,

J. A. MOUSSEAU, Secretary of State.

His Honor the Lieut.-Governor of New Brunswick, Fredericton.

## REPORTS OF THE MINISTERS OF JUSTICE, ORDERS IN COUNCIL AND CORRESPONDENCE RELATING TO THE ACTS OF THE LEGISLATURE OF THE PROVINCE OF PRINCE EDWARD ISLAND.

DEPARTMENT OF JUSTICE, OTTAWA, 2nd May, 1878.

I beg to report upon the Statutes passed by the Legislature of the Province of Prince Edward Island, during the Session held in the year 1877, received by the Secretary of State on the 7th day of June, 1877, as follows:—

Cap. 1.—“The Public Schools Act, 1877.”

This Act has already been reported upon by the Minister of Justice, and has been left to its operation.

Cap. 2.—“The Assessment Act, 1877.”

Cap. 3.—“An Act respecting the Public Works.”

Cap. 4.—“An Act relating to Roads and Bridges.”



Cap. 5.—“ An Act for appropriating certain moneys therein mentioned for the service of the year of our Lord one thousand eight hundred and seventy-seven.”

Cap. 6.—“ An Act to amend ‘The Seduction Act, 1876.’”

Cap. 7.—“ An Act to amend ‘The County Court Act.’”

Cap. 8.—“ An Act to authorize the levying of an assessment for the year 1877.”

Cap. 9.—“ An Act to amend ‘An Act relating to Public Wharves and Bridges.’”

Cap. 10.—“ An Act relating to judgments.”

Cap. 11.—“ An Act to amend certain Acts passed in the thirty-ninth year of Her Majesty’s reign.”

Cap. 12.—“ An Act to continue and amend certain Acts therein mentioned.”

Cap. 13.—“ An Act to amend the Act 34 Vic., Cap. 14, intituled: ‘An Act to authorize the issue of Treasury warrants, in sums exceeding one hundred pounds.’”

To these Acts there appears to be no objection, and I recommend that they be left to their operation.

Cap. 14.—“ An Act to amend an Act to incorporate the Town of Charlottetown.”

The fifth section of this Act provides that on the last Tuesday of every month the Clerks of the Stipendiary Magistrates’ Court shall account for, and pay into the hands of the City Treasurer, all fines or fees collected or received by him.

In reporting upon the Statutes of the Province of British Columbia, in the month of September last, I had occasion to consider the right of the Provincial Legislature to legislate in respect of the disposition of fines arising under the Criminal Law. The conclusion arrived at by that Report, which was approved of by Order in Council, was, that such fines belonged to the Dominion Government.

I append hereto an extract from that Report.

The section under consideration, therefore, so far as it related to fines arising out of the Criminal Law, is beyond the power of the Local Legislature.

The Parliament of Canada was, by the Statute of 40th Vic., Cap. 4, which extends to the Province of Prince Edward Island certain Criminal Laws, now in force in other Provinces of Canada. Section eight expressly enacted that, “Fines collected under the Act respecting the trial and punishment of juvenile offenders, shall be paid over to the Provincial Secretary and Treasurer.”

This Act is in direct conflict so far as the fines mentioned therein are concerned with the provisions of the Section now under consideration.

I recommend that the Lieutenant-Governor’s attention be called to the matter with this request that he will bring it immediately to the notice of his Government, and before the time for disallowance of the Act arrives to communicate their reply, an intimation being at the same time given to him that unless at the next Session of the Local Legislature, his Government will promote the necessary legislation to repeal the section or to confine it to such fines as may arise through breach of any of the Provincial Laws, in respect of the matters coming within the exclusive legislative control of the Provincial Legislatures, the Act will be disallowed.

A Petition from the Mayor, certain common Councillors and inhabitants of Charlottetown has been received, praying that this Act, now under consideration may be disallowed, upon the ground that the Act exempts from assessment, persons paying rent less than \$30 per year, and that this is an interference with the rights of the creditors of the city who lent the city money at a time when each citizen who paid a rental of \$16 per annum was liable to be taxed; also, upon the ground that by the 3rd Section of the Act the control and management of the Police Force of the City are taken from the Mayor and Council, and the power of their dismissal given to the Stipendiary Magistrate, but the power of appointing is continued in the Mayor and Council. The Petition contends that it is improper and unjust to deprive the Mayor and Council of the control and management of the Police Force and to have the power of appointing in one body, and the power of dismissal in another, also upon the ground that the Stipendiary Magistrate is allowed by this Act to appoint a clerk for his Court at a salary of \$500 per annum. That this clerk is superfluous and the city unnecessarily burdened with his salary.

I do not propose to discuss the expediency of the enactments referred to. The subject-matter appears to be entirely within the legislative authority of the Local Legislature, and I think the power of dis-allowance should not be exercised for any of the reasons mentioned in the Petition.

Objection is taken in the Petition to the provisions of the 9th Section, which transfers to a Licensing Board the power previously vested in the City Council respecting the granting of licenses for the sale of spirituous liquors, and which gives the Board power to provide for the inspection of liquors and the testing and analysis thereof.

It is contended that this provision is beyond the competency of the Local Legislature, or is unnecessary as the subject has already been legislated upon by the Parliament of the Dominion (Statutes of Canada of 1874, p. 43.) The section, however, appears to me unobjectionable from a constitutional point of view.

I cannot say that it is beyond the powers of a Local Legislature to provide merely for the inspection of liquors and the testing and analysis thereof. No provision is made as to the action to be taken upon such inspection or testing and analysis being made.

As the section at present stands, the Board are simply given power to provide for the inspection, and testing and analysis.

This standing by itself appears to me to be unobjectionable.

The Act is also objected to upon the ground that this section takes from the City Council the control over that part of their revenue derived from licenses for the sale of liquors, and that thereby the security of the creditors of the corporation is interfered with.

The matter, however, is one coming within the authority of the Local Legislature and it would not be proper in such a matter and for the reason given to exercise the power of disallowance.

Objection is also taken to the 21st section, which provides that "the Licensing Board shall first determine on any application whether or not a license should be granted and their decision shall be final," and it is contended that the Licensing Board may thus wholly and absolutely forbid the sale of any liquor by license.

Much can be said in favor of this contention, and that the section is therefore *ultra vires* as interfering with the requirements of trade and commerce.

Similar legislation, however, has been left to its operation in other Provinces, and I do not recommend the disallowance of the Act on account of this section.

Cap. 16.—"An Act to alter and amend the Act to incorporate the Minister and Trustees of St. James' Church, Charlottetown."

The 5th section of this Act give the corporation power to raise money by making and issuing bonds payable in a certain period with interest not exceeding six per cent. per annum; and the 8th section declares, that if the interest or principal money of any said bonds should not be paid on demand, with such interest or principal respectively as demanded and overdue, shall bear interest, after such demand, at the rate of six per cent. per annum until paid.

This provision seems to intrench upon the subject of interest, which, by the provision of the British North America Act, comes within the exclusive legislative authority of the Parliament of Canada.

I recommend that the attention of the Lieutenant-Governor be called to it.

Cap. 17.—"An Act to authorize John Hughes to take the additional christian name of Wellington."

Cap. 18.—"An Act to incorporate the Farmers' and Mechanics' Co-operative Association."

Cap. 19.—"An Act to incorporate the Kensington Hall Company."

To these Acts there appears to be no objection, and I recommend that they be left to their operation.

Cap. 20.—"The Registration of Electors and Ballot Act of Prince Edward Island, 1877."

Section 101 provides that whoever, at any time before, during, or after the following, shall—

7. Forge or counterfeit, or fraudulently alter, deface, or destroy any ballot paper or the initials of the Sheriff or presiding officer signed thereon.

This provision clearly intrenches upon the Criminal Law so far as it relates to the counterfeiting or fraudulently altering any ballot paper, or the initials of the Sheriff or presiding officer.

I recommend that the attention of the Lieutenant-Governor be called to this provision with a request that legislation may be promoted for its repeal, or an amendment so as to obviate the objection referred to.

Z. A. LASH, D.M.J.

I concur,

R. L., M.J.

*Extract.*

“This Act is as follows, viz: ‘Notwithstanding anything to the contrary contained in any Act, Ordinance or Proclamation, it shall be lawful for every municipality paying the annual salary of a Police Magistrate, and maintaining a Police Force, to retain and use, as part of the Municipal Revenues, all Police Court fines, fees and forfeitures. This provision is wide enough to cover, not only fines and forfeitures incurred for breach or non-compliance with laws of the Province made in relation to matters coming within the classes of subjects over which the Provincial Legislature has exclusive legislative authority: but also all fines and forfeitures which may be imposed at the Police Court, under the Criminal Law of Canada, or by reason of the breach of or non-compliance with the laws of Canada. The 102nd section of the British North America Act, 1867, provides that all duties and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers, conferred on them by this Act, shall form one consolidated revenue fund, to be appropriated for the public service of Canada, in the manner and subject to the charges in this Act provided.

“There does not appear to be any provision in the Act reserving to the Provinces the revenues derived from fines or forfeitures under the Criminal Law, and as the Parliament of Canada has exclusive legislative authority over the Criminal Law (except the constitutions of courts of criminal jurisdiction) and as that Parliament alone can alter the existing Criminal Law under which fines and forfeitures are imposed, and can create new crimes punishable by fine or forfeiture and alone increase or reduce the amounts of fines and forfeitures under the Criminal Law, or altogether abolish them, I am of opinion that the provision of this Act, so far as it attempts to control or dispose of fines and forfeitures imposed by the Criminal or any other laws of Canada is *ultra vires* of the powers of the Provincial Legislature, and I recommend that the attention of the Lieutenant-Governor be called to this Act, to the end that the same may at the next Session of the Provincial Legislature be repealed or so amended as to confine it to fines and forfeitures arising under laws of the Province made in relation to matters coming within the exclusive legislative authority of the Province, otherwise that it be disallowed.”

DEPARTMENT OF JUSTICE, OTTAWA, 14th April, 1879.

I have the honor to report:—That a Bill was passed by the Legislature of the Province of Prince Edward Island in the year 1878, intituled: “An Act to repeal certain Acts relating to the Church of England in this Province and to make provision in lieu thereof.”

This Bill was reserved by His Honor the Lieutenant-Governor for the consideration of the pleasure of His Excellency the Governor General thereon.

Having perused the same, it appears to me that the Bill might well have been assented to by the Lieutenant-Governor, as its provisions seem to be purely of a Provincial character and unobjectionable in a constitutional point of view.

The Lieutenant-Governor in transmitting the Bill does not give his reasons for reserving it, and the only reason which I can suggest is that it repeals an Act passed in the forty-third year of the reign of the late King George III., Cap. 6, intituled: "An Act for the better and more effectual establishment of the Church of England in the Island."

The Lieutenant-Governor may have thought that it was an interference with Her Majesty's prerogative, and not within the legislative control of the Provincial Assembly to disestablish the Church of England in the Province. Except for this there would be no reason whatever for reserving the Bill, and I would have recommended that the course usually adopted with reference to local Bills reserved for the signification of the Governor General's pleasure thereon, which should not have been reserved, should be followed in this case, namely, that no action should be taken thereon.

But it is as well that no doubt should exist upon the matter. I think in this instance it would not be improper to recommend that the Bill be assented to. I therefore recommend that the assent of His Excellency the Governor General be given to the Bill.

I recommend further that the Lieutenant-Governor be informed that for the reason above mentioned, this case is looked upon as an exceptional one, and that it must not be regarded as a precedent with respect to other Bills entirely within the Legislative authority of the Provincial Legislature and in which no Dominion or Imperial interests are involved.

JAS. McDONALD, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 14th June, 1879.

I have the honor to report upon the Acts passed by the Legislature of the Province of Prince Edward Island, in the year 1878, as follows:—

Cap. 1.—"An Act relating to accidents by fire in Alberton and for the removal of nuisances from the streets thereof."

Cap. 2.—"An Act to amend 'The Public School Act, 1877.'"

Cap. 3.—"An Act to amend 'The Assessment Act, 1877.'"

Cap. 4.—"An Act to authorize the levying of an assessment for the year 1878." "

Cap. 5.—"An Act to amend 'An Act relating to Roads and Bridges.'"

Cap. 6.—"An Act to amend 'The Registration of Electors and Ballot Act of Prince Edward Island, 1877.'"

Cap. 7.—"An Act to amend the Act twenty-third Victoria, Cap. nine, intituled: 'An Act for preventing frauds by secret Bills of Sale of personal chattels.'"

Cap. 8.—"The Domestic Animals Act, 1878." "

Cap. 9.—"An Act to enable Trustees and others to convey estates to the Commissioner of Public Lands."

Cap. 10.—"The Chancery Amendment Act, 1878.'"

Cap. 11.—"An Act in amendment of the Laws relating to the appointment of Constables and Fence Viewers."

To these Acts there appears no objection, and I recommend that they be left to their operation.

Cap. 12.—"The County Courts Amendment Act, 1878."

I beg to call attention to the provisions of Section 61 of this Act, which gives to the Judge of the County Court a fee of 50 cents for taxing the costs in a suit. The principle involved in this legislation appears to me very objectionable.

The Judges of the County Courts are appointed by the Governor General under the 96th section of the British North America Act, 1867, and by the 100th section of that Act the salaries, allowances, and provisions of such Judges are to be fixed and provided by the Parliament of Canada.

The Parliament of Canada did fix and provide for the payment of the salaries and allowances, &c., of these Judges, and during the Session which has just closed an Act was passed placing these upon the same footing with regard to salary as the other County Court Judges in the Dominion. The salaries being increased by the sum of \$400 each.

A similar question came up in connection with an Act which was passed by the Legislature of Ontario in 1869, whereby the sum of \$1,000 each per year was allowed to the Judges of the Superior Courts, payable out of the moneys of the Province.

The opinion of the Law Officers of the Crown in England as to the authority of the Provincial Legislature to pass such an Act was taken, and they gave it as their opinion that it was not competent for the Provincial Legislature to pass it.

On the 19th January, 1870, the then Minister of Justice reported upon the Act and recommended its disallowance. It was disallowed. The Minister of Justice at that time expressed his own opinion that the Judges of the Superior Courts could not properly and without a breach of the provisions of the British North America Act, receive emolument for performing the Judicial duties from any but the power which appoints and pays them the legal salary attached to their office.

It seems to me to be beyond the powers of the Local Legislature to allow to the Judges of the County Courts fees for performing their duties as such Judges, while they at the same time receive a fixed salary from the Dominion Government for the performance of those duties.

In a subsequent Session the Ontario Legislature passed another Act giving to each of the Judges of the Superior Courts the sum of \$1,000 per year in addition to their salary.

This Act, though not specially reported upon, was not disallowed.

The principle of allowing Judges fees for part of their judicial work, is much more objectionable than allowing them to be paid an additional salary from the Provincial Government.

The principle of paying Judges by fees was long ago found to be a vicious one, calculated to interfere with the independence of the Bench.

It may be said that it is not worth while interfering with the Act in question. The fee allowed to the Judge being so small and he being allowed it in respect of one service only in the suit. The matter, however, is one of principle rather than one of degree, and I think the Act should be disallowed, unless the Provincial Government undertake to promote Legislation at the next Session to repeal the objectionable part.

I recommend that the attention of the Lieutenant-Governor be called to these remarks, and that he be requested to submit the same for the immediate consideration of his Government with a view to a reply being given without delay.

Cap. 13.—“An Act to amend ‘An Act regulating the Sale by License of Spirituous Liquors.’”

It may be that some of the provisions of this Act are an interference with the powers of the Dominion Parliament to regulate Trade and Commerce.

As, however, similar legislation has been left to its operation in the other Provinces, and as if the Act be *ultra vires* any person aggrieved may test its validity, I recommend that it be left to its operation.

Cap. 14.—“An Act to amend the Act twenty-fourth Victoria, Chapter thirty-four, intituled: ‘An Act to repeal certain parts of the Act consolidating the Election Laws, and to make other provisions in lieu thereof.’”

Cap. 15.—“An Act to amend ‘An Act to incorporate the Town of Summerside.’”

Cap. 16.—“An Act in amendment of an Act for rendering a written memorandum necessary to the validity of certain promises and engagements.”

Cap. 17.—“An Act to amend an Act passed in the thirty-third year of the reign of Her present Majesty, Chapter seven, intituled: ‘An Act to procure a steamboat for the Georgetown Ferry.’”

Cap. 18.—“An Act to alter and amend the Act relating to the Court for the recovery of small debts in the City of Charlottetown.

Cap. 19.—“An Act to continue a certain Act therein mentioned.”

Cap. 20.—“An Act respecting special voting in amendment of the ‘Registration of Electors and Ballot Act of Prince Edward Island, one thousand eight hundred and seventy-seven.’”

Cap. 21.—“An Act respecting the appropriation of fines collected by Stipendiary Magistrates.”

Cap. 22.—“An Act respecting the Provincial Statutes.”

Cap. 23.—“An Act relating to Physicians and Surgeons.”

Cap. 24.—“An Act for appropriating certain moneys therein mentioned for the service of the year of our Lord one thousand eight hundred and seventy-eight.”

Cap. 25.—“An Act to incorporate ‘Wildey Lodge, number twenty-seven, of the Independent Order of Oddfellows, Charlottetown, Prince Edward Island.’”

Cap. 26.—“An Act to amend an Act, intituled: ‘An Act to incorporate a Law Society.’”

Cap. 27.—“An Act to vest certain lands in the Trustees of Zion Church in Charlottetown.”

Cap. 28.—“An Act to incorporate the Prince Edward Island Starch Manufacturing Company.”

Cap. 29.—“An Act to revive and continue a certain Act therein mentioned.”

Cap. 30.—“An Act to incorporate the Trustees of a body of Christians, calling themselves ‘The Church of Christ,’ at Charlottetown.”

I recommend that these Acts be left to their operation.

*Reserved Bill.*

In addition to the above Acts, a Bill was passed, intituled: “An Act to incorporate the Provincial Grand Orange Lodge of Prince Edward Island, and the subordinate Lodges in connection therewith,” which was reserved by His Honor the Lieutenant-Governor for the signification of His Excellency’s pleasure thereon.

The Bill incorporates certain persons, and their associates, under the name of the “Provincial Grand Orange Lodge of Prince Edward Island,” gives the corporation the usual powers incident to corporations, and makes certain provisions as to how subordinate lodges may become incorporated.

In 1873, two Bills were passed by the Legislature of Ontario, intituled: “An Act to incorporate the Loyal Orange Association of Western Ontario.”

And an Act to incorporate the Loyal Orange Association of Eastern Ontario, which were reserved by the Lieutenant-Governor for signification of His Excellency’s pleasure thereon. Upon these Bills, the then Minister of Justice, Sir John A. Macdonald, reports as follows:—

“That these Acts purport to incorporate two Provincial Associations. That the only object of these Associations appearing on the face of the Acts, is the holding of property, real and personal. That this being a Provincial object, the Acts are within the competence and jurisdiction of the Provincial Legislature.

“Such being the case, in the opinion of the undersigned, the Lieutenant-Governor of Ontario ought not to have reserved these Acts for Your Excellency’s assent, but should have given his assent to them as Lieutenant-Governor.

“Under the system of Government that obtains in England as well as in the Dominion and its several Provinces, it is the duty of the advisers of the Executive to recommend every measure that has passed the Legislature for the Executive assent.

“The provision in the British North America Act, 1867, ‘That Your Excellency may reserve a Bill for the signification of Her Majesty’s pleasure,’ was solely made with a view to protection of Imperial interests, and the maintenance of Imperial policy, and in case Your Excellency should exercise the power of reservation conferred on you, you would do so in your capacity as an Imperial officer and under Royal instructions.

“So in any Province the Lieutenant-Governor should only reserve a Bill in his capacity as an officer of the Dominion and under instructions from the Governor General.

"The Ministers of the Governor General and of the Lieutenant-Governor are alike bound to oppose, in the Legislature, measures of which they disapprove, and if, notwithstanding, such a measure is carried, the Ministry should either resign or accept the decision of the Legislature and advise the passage of the Bill.

"It then rests with the Governor General or the Lieutenant-Governor, as the case may be, to consider whether the Act conflicts with his instructions, or his duty, as an Imperial or a Dominion officer, and if it does so conflict, he is bound to reserve it, whatever the advice tendered to him may be, but if not, he will doubtless feel it his duty, to give his assent in accordance with advice to that effect, which it was the duty of his Ministers to give.

"With respect to the present measures, the undersigned is of opinion that the Lieutenant-Governor ought to have reserved them for Your Excellency's assent, as he had no instructions from the Governor General in any way affecting these Bills.

"They are entirely within the competence of the Ontario Legislature, and if he had sought advice from his legal adviser, the Attorney-General of Ontario, on the question of competence, he would undoubtedly have received his opinion, that the Acts were within the jurisdiction of the Provincial Legislature.

"This is evident from the fact that, as appears by votes and proceeding of the Legislature, the Attorney-General voted for and supported the Bills as a member of the Legislature.

"Under these circumstances, the undersigned recommends that the Lieutenant-Governor be informed that Your Excellency does not propose to signify your pleasure with respect these reserved Acts or to take any action upon them.

"If the Acts should again be passed, the Lieutenant-Governor should consider himself bound to deal with them at once, and not ask Your Excellency to intervene in matters of Provincial concern and solely and entirely within the jurisdiction and competence of the Legislature of the Province.

"The reserved Bill, under consideration, is of precisely the same nature as the Bills passed by the Ontario Legislature, and the remarks above quoted apply thereto. For these reasons it would not have been proper to recommend that the assent of His Excellency should be given to it."

I recommend that the substance of the foregoing remarks be communicated to the Lieutenant-Governor.

Z. A. LASH, D.M.J.

I concur,

JAS. McDONALD, M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 6th April, 1881.

I have the honor to report upon the Acts passed by the Legislature of the Province of Prince Edward Island, in the forty-second year of Her Majesty's reign, as follows, namely:—

Cap. 1. "The Public Roads Act, 1879."

Cap. 2.—"An Act to repeal 'The registration of electors and Ballot Act of Prince Edward Island,' with its amending Acts, to revive certain Acts and parts of Acts and make other provisions respecting elections."

Cap. 3.—"An Act to amalgamate the Prince of Wales College and Provincial Normal School."

Cap. 4.—"An Act to amend the Public Schools Act, 1877."

Cap. 5.—"An Act respecting certain Departments of the Public Service."

Cap. 6.—"An Act to further amend an Act regulating the sale by license of spirituous liquors."

Cap. 7.—"An Act for the protection of game and fur-bearing animals."

Cap. 8.—"The Mechanics' Lien Act."

Cap. 9.—"The Court of Chancery Amendment Act, 1879."

Cap. 10.—"An Act to amend 'The Assessment Act, 1877.'"

Cap. 11.—"The Surrogate and Probate Fees Act."

- Cap. 12.—“An Act to amend the law of arbitration.”  
 Cap. 13.—“An Act to amend the Act further securing the independence of the General Assembly.”  
 Cap. 14.—“An Act to amend ‘An Act relating to Lunatics and to the custody of Lunatics.’”  
 Cap. 15.—“An Act respecting arrest and imprisonment for Debt.”  
 Cap. 16.—“The indigent Debtor's Act.”  
 Cap. 17.—“The Public Inquiries Act.”  
 Cap. 18.—“An Act to authorize the levying of an assessment for the year 1879.”  
 Cap. 19.—“An Act to repeal certain Acts relating to the Church of England, in this Province, and to make provision in lieu thereof.”  
 Cap. 20.—“An Act to continue a certain Act therein mentioned.”  
 Cap. 21.—“An Act for appropriating certain moneys therein mentioned for the service of the year of Our Lord one thousand eight hundred and seventy-nine.”  
 Cap. 22.—“An Act to repeal section forty-nine of an Act intituled: ‘An Act respecting the Public Works.’”  
 Cap. 23.—“An Act to incorporate St. Patrick's Total Abstinence and Benevolent Society of Charlottetown.”  
 Cap. 24.—“An Act to amend ‘An Act to incorporate the Minister and Trustees of St. Columba's Church, Blair-in-Athol, St. Peter's Road, Township number thirty-four.’”  
 I recommend that the power of disallowance be not exercised with respect to these Acts.

JAS. McDONALD, M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 11th November, 1881.

To His Excellency the Governor General in Council:—

The undersigned has the honor to report upon the Acts passed by the Legislature of the Province of Prince Edward Island in the year 1880, received by the Secretary of State on the 14th day of December, 1880, as follows:—

- Cap. 1.—“An Act to amend ‘The Public Roads Act, 1879.’”  
 Cap. 2.—“The Jury Amendment Act, 1880.”  
 Cap. 3.—“An Act to amend ‘The County Courts Amendment Act, 1878.’”  
 Cap. 4.—“An Act to regulate fees payable under official seals.”  
 Cap. 5.—“An Act to amend ‘The Common Law Procedure Act, 1873.’”  
 Cap. 6.—“An Act to facilitate the conveyance of real estate by married women.”  
 Cap. 7.—“An Act to enable executors and administrators of mortgages to sell and convey mortgaged premises.”  
 Cap. 8.—“An Act to confirm certain writs, issued out of the Supreme Court of Judicature, and proceedings had thereunder.”  
 Cap. 9.—“An Act respecting public officers.”  
 Cap. 10.—“An Act in further amendment of the law and for the better advancement of justice.”  
 Cap. 11.—“An Act to authorize the levying of an assessment for the year 1880.”  
 Cap. 12.—“An Act for appropriating certain moneys therein mentioned, for the service of the year of Our Lord one thousand eight hundred and eighty.”  
 The above Acts do not seem to call for any special remark, or for the exercise of the power of disallowance. I recommend that they be left to their operation.  
 Cap. 13.—“An Act to amend an Act regulating the sale by license of spirituous liquors.”

The undersigned recommends that the power of disallowance be not exercised with respect to this Act, but desires to remark that some of its provisions may be held to be beyond the legislative authority of the Provincial Legislature as encroaching upon the regulation of trade and commerce, but as the precise extent of the authority of Parliament and of the Provincial Legislatures over the subject matter has not yet



been finally determined, and as legislation of a similar character in other Provinces has been left to its operation, the undersigned recommends that the power of disallowance be not exercised with respect to this Act.

Cap. 14.—“An Act to authorize the Government to sell the Government Pew in Saint Paul's Church, Charlottetown.

Cap. 15.—“An Act to amend the Act of the eighteenth Victoria, Chapter thirty-four, intituled: ‘An Act to incorporate the Town of Charlottetown,’ and all Acts amending the same.”

Cap. 16.—“An Act to amend an Act to incorporate the Town of Summerside.”

Cap. 17.—“An Act to authorize the *Examiner* Printing and Publishing Company to increase its Capital Stock.”

Cap. 18.—“An Act to vest the lands belonging to the trustees of St. Dunstan's College in the Roman Catholic Episcopal Corporation of the Diocese of Charlottetown.”

Cap. 19.—“An Act to amend an Act intituled: ‘An Act for the incorporation of the Charlottetown Cemetery Company.’”

Cap. 20.—“An Act to amend ‘An Act to incorporate the Minister and Trustees of the Presbyterian Church, Brookfield, Township number twenty-three.’”

Cap. 21.—“An Act to amend ‘An Act to incorporate the Minister and Trustees of the Presbyterian Church of Cascumpec.’”

Cap. 22.—“An Act to incorporate the Minister and Trustees of the Presbyterian Church of West Cape.”

Cap. 23.—“An Act to incorporate ‘The Prince Edward Island Poultry Association.’”

Cap. 24.—“An Act to further amend ‘The County Courts Amendment Act, 1878.’”

These Acts do not seem to call for any special remark, or for the exercise of the power of disallowance. I recommend that they be left to their operation.

A. CAMPBELL, M.J.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, 12th May, 1877.

MY LORD,—During the Session of the Legislature of this Province, which just closed, an Act dealing with public education has been passed. Against this Act I protested, because of its suppression of French-Acadian schools which, I deem, are protected under the 93rd section of the British North America Act. Sir Robert Hodgson, the Lieutenant-Governor, while refraining from the exercise of his power to reserve the Bill for further consideration, assured me that my objections could be urged to, and would be considered by Your Excellency.

When I protested against the suppression of the French schools, I had not then seen the whole Act, for it had not been printed. Since then, and within the last few days, I have procured a copy, and upon giving it an attentive perusal, I find, to my great sorrow, that the Roman Catholics of this Province are virtually marked out, by exceptional legislation for heavy taxation, far over and above what must fall upon other religious denominations.

My Lord, I cannot allow this to pass without an appeal to Your Excellency to stay the operation of a measure so harsh and so oppressive. The reasons why Your Excellency is confidently appealed to, to protect the Roman Catholics of this Province against legislation directed against them, are embodied in memorials to Your Excellency. These are being rapidly signed throughout the Province, and in a week or two, I hope to lay them before Your Excellency. In the meantime, I venture to express the hope that Your Excellency will delay assenting to this measure until these objections be laid before you, expressing as they do, the deep sense of the wrong attempted to be done to nearly one-half of the population of this Island.

I have the honor, my Lord, to be Your Lordship's obedient servant,

PETER MCINTYRE, Bishop of Charlottetown.

The Right Honorable the Earl of Dufferin.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 6th June, 1877.

Several petitions and communications on the subject of the recent Local Public School Act having been received, the Government request that a copy of the Act, accompanied by a Report with reference to the Act, be transmitted as early as possible.

In your letter of the 15th, transmitting certain documents in connection therewith, an assurance is given that the Act would be ready for transmission within a fortnight.

R. W. SCOTT.

The Lieutenant-Governor of Prince Edward Island, Charlottetown.

DEPARTMENT OF JUSTICE, OTTAWA, 30th June, 1877.

I recommend that a communication be addressed by the Secretary of State to the Lieutenant-Governor of Prince Edward Island, calling his attention to the fact that the information from his Attorney-General referred to in his letter of the 12th instant respecting the Public Schools Act, 1877, has not yet been received, and intimating that in accordance with a request from the Attorney-General of Prince Edward Island to the Minister of Public Works, a decision upon the matter has been delayed, pending the receipt of further communication. That it is therefore expected that no steps will be taken to actively enforce any of the provisions of the Act which may interfere with the various schools which the Roman Catholic Bishop of Charlottetown claims to be Roman Catholic Denominational Schools.

R. LAFLAMME, M.J.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 5th July, 1877.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 1192, of the 30th ultimo, calling my attention to the fact, that the information from my Attorney-General, referred to in my despatch of the 12th instant, respecting the Public Schools Act, 1877, has not been received, and intimating that a decision upon the matter has been delayed, pending the receipt of further communication, at the request of the Attorney-General referred to the Honorable the Minister of Public Works, and stating that "it is therefore expected that no steps will be taken to actively enforce any of the provisions of the Act, which may interfere with the various schools which the Roman Catholic Bishop of Charlottetown claims to be Roman Catholic Denominational Schools."

I mailed to you on the 3rd instant a Minute of my Council, in reply to various objections raised by the Bishop and other petitioners specially relating to the schools called French Acadian Schools, which minute affords the information referred to in my despatch of the 12th instant.

Having called the attention of the leader of my Government to your despatch, I have been advised by him that the Act does not require any immediate active steps to be taken by the Government with reference to the schools claimed as Roman Catholic Denominational Schools unless the people fail to elect trustees, and the Chief Superintendent is called upon under the Act, to appoint them; but I am assured by him that, in so far as the Government and their officials are concerned, they are quite satisfied that, in accordance with the expectation you express upon this point, no actual interference should take place with these schools, until His Excellency the Governor General has had full opportunity for examining and considering the several documents and statutes forwarded at the instance of my Government upon the subject.

I have the honor to be, Sir, your obedient servant,

R. HODGSON, Lieut. Governor.

The Hon. Secretary of State, Ottawa.

CHARLOTTETOWN, P. E. I., 31st August, 1877.

SIR,—I have the honor to enclose a communication to His Excellency the Governor General in Council, regarding the Public Schools Act, 1877, which I beg may be laid before His Excellency in Council.

I have the honor to be, Sir, your obedient servant,

PETER McINTYRE, Bishop of Charlottetown.

Hon. R. W. SCOTT, Secretary of State for Canada.

To His Excellency the Right Honorable the Earl of Dufferin Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY,—

I beg Your Excellency's permission again to refer to the Public Schools Act, 1877, and my many memorials to Your Excellency regarding it.

I have laid before Your Excellency in Council evidence that the Acadian Schools sought to be destroyed by this Statute are protected by the British North America Act, and this evidence I venture to say is unanswerable.

I received from the Minister of Justice an assurance that although a decision as to whether this measure was constitutional could not become to, by the first of July, yet that "a communication had been addressed officially to the Lieutenant-Governor stating that it is expected that no steps will be taken to actively enforce any of the provisions of the Bill which may interfere with the various schools which you claim to be Roman Catholic Denominational Schools.

I hoped that the expressed wish of the Federal Government would not have been inoperative, but the Executive of the Province have refused to comply with the reasonable request of the Minister of Justice, and the consequence is that all the Acadian Schools in the Province are now closed.

My Lord, I think I may with fairness claim that I have waited very patiently. I knew my case was a righteous one, and that the law was on my side, and that, moreover I had and still have, as your Lordship is not unaware, the open support and expressed sympathy of the whole Episcopate of Canada.

I have hitherto endeavored to quiet the alarm of my people and to still their agitation, for I was slow to believe that a great wrong would be done to the French people of my diocese.

But, my Lord, my waiting has been in vain; for I have had no answer to my memorials, and my prayer for justice has been as yet unheeded. Five months have elapsed since I forwarded my first petition, and my earnest hope that the guaranteed rights of my people should not be destroyed has been long delayed. *Spes quo differtur, affligit animam.*

My duty to my people calls for something more than patient waiting, but before passing to those active measures which, strong in the justice of my cause and in the moral support of right thinking people, I feel called upon to adopt. I desire to make one last appeal to that sense of justice which I am unwilling to believe the Federal Government will allow to be obscured by considerations of expediency.

The French people of my diocese have been deprived of the religious instruction which they have enjoyed for a quarter of a century, and which is guaranteed to them by the constitution of Canada, and I have hitherto uttered no word of complaint except what has been submitted to Your Excellency through the Ministers of the Crown.

My Lord, is it too much to ask that I may be permitted respectfully to request a decision upon this very important matter? I am sure Your Excellency would not willingly prolong my great anxiety and the distress of my people. If it were for myself alone, or if private interests only were concerned, I should not press so strongly for a decision, that we may at least know our fate. For I do not conceal from Your Excellency that I am most anxious to learn whether the sanction of our Sovereign is

to be given to a legislative enactment directed against the Roman Catholic faith, and whether rights guaranteed by the constitution are to be taken away, notwithstanding the protest of those to whom those rights are very dear.

I have the honor to be, My Lord, Your Excellency's most obedient servant,  
PETER McINTYRE, Bishop of Charlottetown.

To His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, Viscount and Baron Clandeboye in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet Knight of the Most Illustrious Order of St. Patrick, Knight of the Grand Cross of the Most Distinguished Order of St. Michael and St. George, and Knight Commander of the Most Honorable Order of the Bath, Governor General of Canada and Vice-Admiral of the same in Council. The memorial of the undersigned adult inhabitants of the Province of Prince Edward Island, humbly sheweth:—

That by an Act passed on the 18th day of April last called "The Public Schools Act, 1877," provision is made for a system of public education throughout this Province.

That your Memorialists believe that education should not and cannot be separated from instruction in the verities of the Christian faith; and so believing they have throughout the Province, at their own expense, built and maintained schools where secular teaching becomes education by being based upon religious instruction.

The Act before alluded to not only ignores these schools, but attempts to legalize a principle so harsh and unjust, that your memorialists earnestly entreat Your Excellency to stay its operation.

Your Memorialists assure Your Excellency that they cannot withdraw their children from the schools which at so much expense to themselves they have erected, for they are restrained from doing so by the strength of convictions which they cannot overcome. They will, therefore, be compelled to pay for secular schools in addition to those which they feel bound to support.

They believe this to be an act of injustice to them which a majority possesses the power of imposing upon a minority, and, therefore, while they protest against it, they must submit. But in addition to this the Statute introduces a new and unheard of principle, for it in effect makes it a crime punishable by fine and imprisonment, for your Memorialists to send their children to their own schools rather than to those established under its provisions.

Section 15 provides that unless the average attendance in a school district "shall be fifty per cent. of the children of school-age within the school district," that a deduction shall be made from the salary of the teacher.

Section 16 provides that such "deduction" shall be made up by and levied as a rate upon those parents who, by not sending their children to the schools have caused the number of scholars to fall below the average required by Section 15.

The effect of these clauses will be this: If your Memorialists continue as they will continue to send their children to their own schools, and from such attendance the average of children attending the schools established under this Act should fall below fifty per cent., then, notwithstanding your Memorialists have paid their taxes into the Public Treasury, and that their children are attending efficient schools, built and maintained by themselves, notwithstanding this, they are to be fined because they will not withdraw their children from the religious teaching they prize so highly, to send them where all instruction in the Christian religion is by law carefully and rigorously excluded.

To ignore efficient schools because Christianity is taught in them, your Memorialists believe to be a grievous wrong; but to direct special legislation against them so as to blot them out of existence, is an act of injustice so oppressive that your Memorialists most respectfully appeal to Your Excellency that by exercising the

power given you by the constitution, you may protect them against the operation of so unjust a law.

These schools are, as they were intended to be, an evidence of the ardent attachment of your Memorialists to their ancient faith, and this Statute enacts that they shall not send their children to them without the poor alternatives of fine or imprisonment.

Against this law and its cruel and unjust enactment, your Memorialists appeal to Your Excellency. They entreat Your Excellency to disallow it—to leave it to its operation would be to give the sanction of Her Majesty's approbation to a legislative enactment directed against the Roman Catholic faith, by endeavoring to suppress educational establishments which, at great expense and with no little exertion and sacrifice, they have erected and maintained for the education of their children.

And your Memorialists as in duty bound will ever pray.

DANIEL J. GILLIS, P.P., St. ANDREWS,  
STEPHEN PHELAN, C.C.,  
PATRICK WALKER, J.P., M.L.C.,  
JAMES A. E. McDONALD, P. P.,  
And others.

The Committee of the Privy Council have had under consideration, the Report hereunto annexed from the Hon. the Minister of Justice on the Act passed by the Legislature of the Province of Prince Edward Island, at its last Session, intituled: "The Public School Act, 1877," and for the reasons therein given, they respectfully advise that the said Act be left to its operation, and that a copy of the said Report and of this Minute be transmitted for the information of the Lieutenant-Governor of Prince Edward Island.

12th November, 1877.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 19th November, 1877.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 1,910, of the 15th instant, transmitting, for the information of my Government, copy of an Order of His Excellency the Governor General in Council, and of the Report of the Hon. the Minister of Justice therein referred to, on the subject of the Act passed by the Legislature of this Province at its late Session, intituled: "The Public School Act, 1877."

I have the honor to be, Sir, your obedient servant,  
R. HODGSON, Lieutenant-Governor.

Hon. the Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE, 4th June, 1877.

SIR,—Adverting to my letter of the 6th instant, I have the honor to transmit to you herewith, copies of two petitions—one from certain of the adult inhabitants of the Province of Prince Edward Island and the other from the French-Acadian population of Prince Edward Island, accompanied by a copy of a memorandum signed by His Lordship the Bishop of Charlottetown and the Rev. Dr. O'Brien,—praying for the disallowance of the Act passed by the Legislature of that Province, during its late Session, intituled: "The Public Schools Act, 1877."

I have to request that you will immediately bring these documents under the notice of your Government, with the view of eliciting from the Government such observations as they may choose to make on the petition and papers sent herewith.

I have the honor to be, Sir, your obedient servant,

R. W. SCOTT.

His Honor the Lieutenant-Governor of Prince Edward Island, Charlottetown.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 25th June, 1877.

SIR,—At the instance of my Government, I have to request that the original petition against the Public Schools Act, 1877, with the signatures appended to it, may be transmitted to me for their inspection as they entertain grave doubts whether the signatures are those of adult male inhabitants of this Province.

My Government allege that they are materially strengthened in their doubts, from the facts that no reference was made to the petition in the public press, or any public meetings called upon the subject, whilst the individual members of the Government, residing as they do, in different sections of the Province, were entirely ignorant of any such petition being circulated for signatures.

Care will be taken that the petition is preserved and returned; should there be any insuperable objection (which my Government cannot believe to exist) to the transmission of the original documents, then they desire that a copy of the signatures attached to it may be forwarded.

Under the system established by the Imperial Government before Confederation, petitions against legislative enactments were required to be transmitted through the Lieutenant-Governor thus affording the Local Government the opportunity of forwarding with them such remarks and observations as they might deem advisable—a system which whilst doing ample justice to all, unquestionably prevented much unnecessary delay.

I have the honor to be, Sir, your obedient servant,  
R. HODGSON, Lieut.-Governor.

The Hon. Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE, 30th June, 1877.

SIR,—In compliance with the request contained in your despatch No. 24, of the 25th instant, I have the honor to transmit to you herewith the original petition against the Public Schools Act, 1877, of Prince Edward Island (a copy of which was transmitted to you with my letter of the 9th instant), with the signatures appended to it.

I may state that the petition did not profess to be exclusively from the male population of the Province of Prince Edward Island, nor was it so described in my letter enclosing a copy of it.

I have, &c., R. W. SCOTT.

His Honor the Lieutenant-Governor Prince Edward Island, Charlottetown.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 13th June, 1877.

SIR,—I have the honor to acknowledge the receipt of your despatch No. <sup>1078</sup>/<sub>675 878</sub> of the 9th instant, transmitting copies of two petitions, one from certain of the adult inhabitants of this Province, and the other from the French Acadian population of this Province, accompanied by a copy of a memorandum signed by His Lordship the Bishop of Charlottetown and the Reverend Dr. O'Brien, praying for the disallowance of the Act passed during the Session of the Provincial Legislature, intitled: "The Public Schools Act, 1877," and requesting me to bring these documents immediately under the notice of my Government, with a view of eliciting from them such observations as they may choose to make upon such petitions and papers.

The absence of the Attorney-General, who is also the leader of my Government, attending the Fishery Commission in Halifax, precludes my calling their attention to this matter, until his return, when no time shall be lost in doing so.

I have the honor to be, Sir, your obedient servant,  
R. HODGSON, Lieut.-Governor.

The Hon. Secretary of State, Ottawa.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 22nd February, 1878.

SIR,—I have the honor to inform you that I have, this day, returned to you per book post, the original petition against the Public Schools Act, 1877, transmitted to me with your despatch No.  $\frac{1188}{675}$  of the 30th June last.

I have the honor to be, Sir, your obedient servant,

R. HODGSON, Lieut.-Governor.

The Hon. Secretary of State.

OTTAWA, 20th June, 1877.

MY LORD,—In addition to the memorials and other documents which I have already had the honor to transmit as well to Your Excellency as to the Secretary of State for Canada, I have now the honor to enclose to Your Excellency still further evidence showing that the Anglo-Rustico Schools of Prince Edward Island, which are to be suppressed by "The Public Schools Act, 1877" are, and always have been, separate, dissentient and denominational in their character.

I herewith enclose twenty-five certificates signed by the Teachers and Trustees of the Anglo-Rustico Schools, which show very clearly this fact, and earnestly deprecating their suppression.

I also have the honor to enclose a certificate signed by 442 of the inhabitants of Prince Edward Island in which they bear evidence that these schools have always been considered to be Catholic denominational schools.

I also enclose a copy of the 39th section of the 15 Vic. Cap. 13 (Local Statutes of Prince Edward Island). It was under this Statute that the Anglo-Rustico Schools were first recognized by law, and I desire to call Your Excellency's attention to the fact that the teacher was not required to pass any examination before the Board of Education, but instead was required to produce a certificate from the Catholic Priest of his efficiency for teaching, and that it was necessary that such certificate should contain a statement that he was a member of such Priest's congregation; Protestants were thus absolutely prohibited from teaching those schools. The law was not that the teacher might be, he must be, a Catholic.

The Act of 1868 which consolidated the then existing education laws repealed this section and substituted the provisions of Section 103 in its stead, which enacts that the Anglo-Rustico Schools "shall be continued as now in operation."

How these schools were then "in operation" is clearly shown by the enclosed certificates.

The only change made was that the teacher should pass the examination required by the Board of Education.

And now, My Lord, I feel that my task is completed. I have laid before Your Lordship, what I venture to affirm to be evidence unanswerable and overwhelming, that these schools come within the letter and the spirit of the 93rd section of the British North America Act, and I now await the result of Your Excellency's decision with an anxiety which I cannot conceal.

The general certificates signed by Protestants as well as Catholics, is not as numerous signed as it would have been had I had more time at my disposal; but I felt it might be satisfactory to your Lordship to have this additional evidence as soon as possible, and I lost not a moment in obtaining it. I left Ottawa on the inst., and since then I have travelled 2,450 miles, to accomplish this I travelled day and night, and my anxiety to return to Ottawa in the shortest possible time gave me but little space to have the certificate more generally attested. Had a longer delay been possible I could have presented it with thousands of signatures instead of with hundreds. But I felt that what I had procured was sufficient to prove the facts that are set forth in it, and I feared laying myself open to any imputation of delaying one single hour what I might sooner place before Your Excellency.

When I reached my diocese, I saw all the teachers and masters whom it was possible for me to visit. On Sunday alone I rested, and then only to celebrate and

set forth the mysteries of our Holy Faith, which are so cruelly attacked by this Bill. I only mention this to Your Excellency not as claiming any credit for what I have done, I could not do less, I feel, I may truly say, I could not have done more—I have endeavored to still the agitation of my people. I discountenanced all public meetings. I have sought to quiet their alarm. I hoped, and I sought to impress the belief upon them, that Your Excellency, as the representative of the Queen's Majesty, would not lend the sanction of our Sovereign's approval to a legislative enactment against our legally established Catholic Schools in which their children for so many years have been instructed in our Holy Faith.

And now, My Lord, I lay these documents, these proofs of our case, before Your Excellency, with the earnest hope that Your Excellency will be pleased to exercise the power given to you by the constitution and disallow this illegal and unconstitutional measure.

I have the honor to be, My Lord,  
with the expression of my most profound respect,  
Your Lordship's humble and obedient servant,  
PETER McINTYRE, Bishop of Charlottetown.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 26th June, 1877.

SIR,—I have the honor to acknowledge the receipt of your despatch No.  $\frac{4161}{785}$ , of the 22nd instant, transmitting, for the information of my Government and for report thereon, copy of a letter addressed to His Excellency the Governor General by His Lordship the Bishop of Charlottetown, in further reference to the Public School Act, 1877, also three of the certificates or memoranda, and also a copy of the certificate of 442 of the inhabitants of this Province referred to in His Lordship's letter, and stating that twenty-two other certificates similar to those first mentioned relating to other school sections have been submitted and are retained in your Department.

These documents, received this day, have been shewn to the Leader of my Government, and, at his desire, I beg to request that you will be pleased to transmit a copy of the signatures appended to the certificate stated to be signed by Protestants as well as Catholics.

It is the intention of my Government to meet in Council on the 29th instant, when I am assured by the Leader, that their report in reply to the Memorials against the Act, including those now acknowledged, will satisfactorily prove to His Excellency the Governor General that the grounds of opposition to the Act are without foundation.

As desired, these Memoranda shall be returned to your Department.

I have the honor to be, Sir, your obedient servant,  
R. HODGSON, Lieut-Governor.

We the undersigned inhabitants of the Province of Prince Edward Island do hereby certify that the Anglo-Rustico Schools which have been recognized by or established under the Education Act of 1868, or the previous Acts consolidated by that Statute, are and always have been considered to be Catholic denominational Schools.

The Trustees and Teachers have always been Catholics, a lesson in the Catechism was daily taught, and the books used were Catholic works of devotion and instruction, and were other than those prescribed by the Board of Education.

Some of the undersigned are not Catholics, but they cheerfully bear witness to the matters of fact set forth in the above statement.

PETER McINTYRE, Bishop of Charlottetown.  
DANIEL McDONALD, D.D., V.G.

And others.



PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 11th July, 1878.

SIR,—I have the honor to transmit herewith, in triplicate, duly sealed and certified, an Act intituled: "An Act to repeal certain Acts relating to the Church of England in this Province, and to make provisions in lieu thereof," passed by the Legislature of this Province in the late Session of the General Assembly.

Amongst the Acts repealed by this Act, is a permanent one passed in the year 1802, which declares the Liturgy of the Church, established by the Laws of England, shall be deemed the fixed form of worship in this Island, the Act transmitted therefore disestablishes the Church of England in this Province, and consequently interferes with the prerogative of the Sovereign as the Temporal Head of the Church, and it has no suspending clause. Under these circumstances I reserved the Act in question which was not introduced by the Local Government, for the signification of His Excellency the Governor General's pleasure thereon.

I have the honor to be, Sir, your obedient servant,  
R. HODGSON, Lieut.-Governor.

The Hon. the Secretary of State, Ottawa.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 14th April, 1879.*

The Committee have had before them a Report, dated 14th April instant, from the Minister of Justice, on a Bill passed by the Legislative Assembly of the Province of Prince Edward Island, in the year 1878, intituled: "An Act to repeal certain Acts relating to the Church of England in this Province, and to make provisions in lieu thereof," which Bill was reserved by the Lieutenant-Governor for the signification of Your Excellency's pleasure thereon, and they respectfully advise that the said Report be approved and communicated to the Lieutenant-Governor for his information and guidance, and that Your Excellency's assent be given to the said Bill, as recommended in the said Report.

W. A. HIMSWORTH, C. P. C.

GOVERNMENT HOUSE, OTTAWA, Monday, 14th April, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas by an Act passed in the 31st year of Her Majesty's Reign, intituled: "An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Governments thereof, and for purposes connected therewith," it is amongst other things enacted, that a Bill reserved for the signification of the pleasure of the Governor General shall not have any force unless and until within one year from the day on which it was presented to the Lieut.-Governor for the Governor General's assent, the Lieut.-Governor signifies by speech or message to each of the Houses of the Legislature, or by proclamation, that it has received the assent of the Governor General in Council.

And whereas, on the 15th day of July, 1878, the Lieut.-Governor of the Province of Prince Edward Island reserved a certain Bill passed by the Legislative Council and Assembly of the said Province in the year 1878, intituled: "An Act to repeal certain Acts relating to the Church of England in this Province, and to make provisions in lieu thereof," for the signification of the Governor General's pleasure thereon.

And whereas the said Bill, so reserved as aforesaid, has been laid before the Governor General in Council, and it is expedient that the said Bill should be assented to.

Now, therefore, the Governor General, in pursuance of the said Act and in exercise of the powers thereby reserved to the Governor General as aforesaid, doth by this present Order, by and with the advice of his Privy Council, declare his assent to the said Bill.

And the Secretary of State is to give the necessary directions herein accordingly.

W. A. HIMSWORTH, C. P. C.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 29th April, 1879.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 994 on 802 of 78, of the 17th instant, forwarding a copy of an Order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice therein referred to, on the subject of a Bill passed by the Legislature of this Province in the year 1878, intituled: "An Act to repeal certain Acts relating to the Church of England, and to make provisions in lieu thereof," reserved by me for the signification of His Excellency's pleasure thereon; and also the receipt of your despatch, No. 1,110 on 802 of 78, of the 19th instant, transmitting an Order of His Excellency the Governor General in Council, signifying His Excellency's pleasure that the said Bill be left to its operation, and stating that the Order in Council had been published in the *Canada Gazette* of that date.

All these documents were handed to the Attorney-General and directions given to him to prepare the necessary messages to the Provincial Legislature, or Proclamation required under such circumstances by the British North America Act.

That officer informs me that, in his opinion, I am precluded by the terms of that Act from announcing the assent of the Governor General to the Bill in question in consequence of notice of His Excellency's assent not having been received within the year of its presentation to me for my assent, and that, therefore, the Bill cannot have any force or effect.

I enclose you the Attorney-General's opinion on this subject.

If the Attorney-General is correct in his construction of the Act, in point of fact, it will only occasion a little delay without injury to any party; the Bill can be re-enacted at once, there will be no opposition, and His Excellency's opinion having been pronounced it can be assented to immediately after passing.

I shall be glad to be instructed as to my proper course of proceeding in this matter.

I have the honor to be, Sir, your obedient servant,

R. HODGSON, Lieut.-Governor.

The Honorable the Secretary of State, Ottawa.

ATTORNEY GENERAL'S OFFICE, PRINCE EDWARD ISLAND, April 26th, 1879.

SIR,—I have read the despatch from the Secretary of State to your Honor, dated 17th April instant, transmitting Report of the Minister of Justice, on the Bill passed by the Legislature of this Province, in the Session of 1878, and reserved by you for the assent of His Excellency the Governor General, intituled: "An Act to repeal certain Acts relating to the Church of England in this Province, and to make provisions in lieu thereof," and, also, a copy of a minute of the Privy Council of Canada, recommending that the assent of His Excellency the Governor General be given to the said Bill.

By the 57th and 90th sections of the British North America Act, it is provided that a Bill, reserved for the signification of the Governor General's pleasure, shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's assent. The Lieutenant-Governor signifies, by speech or message, to each House of the Legislature, or by proclamation, that it has received the assent of the Governor General in Council.

The Bill in question was presented to your Honor for assent, on 18th April, 1878, and by you then reserved for the Governor General's assent, which was obtained on 14th April, 1879; the despatch, signifying that such assent had been given, was received by your Honor on 22nd April, 1879, four days after the expiring of the year, within which it was competent for your Honor to have issued the proclamation referred to in the above-quoted sections of the British North America Act.

I am of opinion that, notwithstanding the fact that the said Bill has received the assent of the Governor General, your Honor is precluded, by the above-quoted sections of the British North America Act, from announcing it to the Legislature, and that, therefore, the Bill cannot now have any force or effect.

I have the honor to be, Sir, your obedient servant,

W. W. SULLIVAN, Attorney-General.

His Honor SIR ROBERT HODGSON, Knight, Lieut.-Governor.

DEPARTMENT OF JUSTICE, OTTAWA, May 15th, 1879.

Upon the reference from the Secretary of State, with the despatch from the Lieutenant-Governor of Prince Edward Island, respecting the reserved Bill, intituled: "An Act to repeal certain Acts relating to the Church of England, and to make certain provisions in lieu thereof;"

I recommend that the Lieutenant-Governor be informed that the course he suggests, namely: To have the Bill re-enacted and assented to at the next Session of the Local Legislature, appears to be a proper one to remove all doubts in the premises.

That, as he did not transmit the Bill till July, 1878, and, in transmitting it, did not mention when it had been presented to him for his assent, it was thought that there was plenty of time within which to deal with it, and that, in future, it will be convenient if, in transmitting Bills which have been reserved, he will in his despatch state the day upon which it was presented to him for assent.

Z. A. LASH, Deputy Minister of Justice.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 25th June, 1879.*

On a Report, dated 14th June, 1879, from the Honorable the Minister of Justice, upon the Acts passed by the Legislature of the Province of Prince Edward Island, in the year 1878, including a reserved Bill, intituled: "An Act to incorporate the Provincial Grand Orange Lodge of Prince Edward Island, and the subordinate Lodges in connection therewith," and they advise that the recommendations submitted in said Report be approved and carried into effect.

W. A. HIMSWORTH, C.P.C.

The Honorable the Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE, 2nd July, 1879.

SIR,—I have the honor to transmit to you herewith, for the information of your Government, a copy of an Order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice therein referred to, having reference to the Acts passed by the Legislature of the Province of Prince Edward Island in the year 1878, including a reserved Bill, intituled: "An Act to incorporate the Provincial Grand Orange Lodge of Prince Edward Island and the subordinate Lodges connected therewith."

You are requested to reply by telegraph in reference to the objectionable clause respecting the County Courts.

J. C. AIKINS, Secretary of State.

His Honor the Lieutenant-Governor of Prince Edward Island, Charlottetown.

OTTAWA, 8th July, 1879.

*By Telegraph from Charlottetown, P.E.I., to Secretary of State.*

I am assured by leader of Government that legislation will be adopted next Session to repeal objectionable clause in County Courts Act.

R. HODGSON, Lieutenant-Governor.

PROVINCE OF PRINCE EDWARD ISLAND,  
GOVERNMENT HOUSE, 8th July, 1879.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 1,780 on 1,159 of the 2nd instant, transmitting, for the information of my Government, a copy of an Order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice, therein referred to, having reference to the Acts passed by the Legislature of this Province in the year 1878, including a reserved Bill, intituled: "An Act to incorporate the Provincial Grand Orange Lodge of Prince Edward Island and the subordinate Lodges in connection therewith," and requesting me to reply by telegraph in reference to the objectionable clause in the Act respecting County Courts.

I am assured by the leader of the Government that legislation will be adopted next Session to repeal the objectionable clause in the County Courts Act, and I have this day transmitted to you a telegraph to this effect.

I have, &c.,

R. HODGSON, Lieutenant-Governor.

The Hon. the Secretary of State, Ottawa.

DEPARTMENT OF JUSTICE, OTTAWA, 11th July, 1879.

I have the honor to request that the Lieutenant-Governor of Prince Edward Island may be informed that, relying upon the assurance contained in his telegram that the objectionable clause in the Act respecting the County Courts will be amended next Session, the Act referred to will, in accordance with the terms of the Report approved already by Council, be left to its operation.

Z. A. LASH, D.M.J.

To the Hon. the Secretary of State.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council, on the 17th November, 1881.*

On a Memorandum, dated 11th November, 1881, from the Minister of Justice, reporting with respect to the Acts passed by the Legislature of the Province of Prince Edward Island in the year 1880, and recommending that the power of disallowance be not exercised with respect to any of the said Acts, being Cap. 1 to Cap. 24 inclusively;

The Committee submit the above recommendation for Your Excellency's approval.

J. O. COTE, C.P.C.

The Hon. the Secretary of State.

21st November, 1881.

SIR,—With reference to the Statutes by the Province of Prince Edward Island, of the year 1880, being Cap. 1 to Cap. 24 inclusively, enclosed in your despatch, No. 46, of the 8th December of that year, I have the honor to acquaint you, for the

information of your Government, that His Excellency the Administrator of the Governor in Council, has been pleased to order that the power of disallowance be not exercised with respect to any of the said Acts.

I have, &c.,

HECTOR L. LANGEVIN, for Secretary of State.

His Honor the Lieutenant-Governor of Prince Edward Island, Charlottetown.

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REPORTS OF THE MINISTERS OF JUSTICE, ORDERS IN COUNCIL AND  
CORRESPONDENCE RELATING TO THE ACTS OF THE LEGISLATURE  
OF THE PROVINCE OF MANITOBA.

DEPARTMENT OF JUSTICE, OTTAWA, May 7th, 1877.

SIR,—Referring to the Report of the Minister of Justice, dated the 18th October, 1876, upon the Statutes of the Province of Manitoba, 39th Victoria (1876), I beg to report:—

That with regard to Section 72 of Chapter 8, intituled: "An Act to provide for the incorporation of Mutual Fire Insurance Companies in Manitoba," it was pointed out that such section was objectionable as being in effect a provision for a declaration of the insolvency of the Company, and for the winding-up of its affairs, and it was recommended that the attention of the Lieutenant-Governor should be directed to the Act with a view to its amendment during the ensuing Session before the time for disallowance was reached. No action having been taken by the Legislature of the Province with a view to repealing the objectionable clause, the Lieutenant-Governor was communicated with on 3rd instant, by the Secretary of State, by telegraph as follows:—

"Referring to letter and enclosures of 27th October last, was seventy-second section of Insurance Act amended as suggested in report of Minister of Justice?"

"If not do you propose to address any observation on subject before time for disallowance arrives?"

In reply, the Lieutenant-Governor, on the 5th instant, telegraphed as follows:—Attorney-General writes the section seven Insurance Act you cite was overlooked, but will be repealed next Session if Act not disallowed," and in a subsequent telegram from the Lieutenant-Governor on his attention being called to the fact that the section mentioned in his previous telegram was "seven" he says:—

"Section seventy-two is the one referred to."

Relying upon the assurance of the Lieutenant-Governor, I recommend that the power of disallowance be not exercised, but that the Act be left to its operation.

A. J. SMITH, Acting for Minister of Justice.

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DEPARTMENT OF JUSTICE, OTTAWA, 15th January, 1878.

I have the honor to report upon the Statutes of the Legislative Assembly of the Province of Manitoba, in the 40th year of Her Majesty's Reign (1877), received by the Secretary of State on the 15th day of May, 1877, as follows:—

Cap. 1.—"An Act respecting the preservation of the Public Health."

Cap. 2.—"An Act for the definition of the Boundaries of the Province."

Cap. 3.—"An Act to divide the Province of Manitoba into Counties."

Cap. 4.—"An Act to provide for a fair and equitable redistribution of the Electoral Divisions of the Province."

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 5.—"An Act to amend the Act passed in the thirty-seventh year of Her Majesty's Reign, intituled: 'The Half-breed Land Grant Protection Act.'"

This Act will be reported upon at a future time.

Cap. 6.—“An Act respecting County Municipalities.”

The 15th section of this Act provides that any person wilfully making a false declaration of his right to vote, shall, on conviction thereof before any two or more Justices of the Peace, be subject to a fine not greater than one hundred dollars, and in default of payment of such fine to be levied by distress, or in case of insufficient distress to imprisonment for a period not greater than forty days.

This section seems to intrench upon the Criminal Law. The Act respecting perjury, being Cap. 23, of 32 and 33 Vic. (1869), seems to make sufficient provision for the punishment of a person making a false declaration in such a case.

I recommend that the attention of the Lieut.-Governor be called to these remarks.

I think that so much of the 15th section as provides for the punishment of a person making a false declaration should be repealed before the time expires within which the Act may be disallowed.

The 16th section gives the Council of every Municipality power to pass by-laws in relation to matters coming within certain specified classes of subjects, among others by the 27th sub-section, the imposing penalties for light weight or short count or short measurement in anything marketed.

This seems to intrench upon the subject of weights and measures, which, by the 91st section of the British North America Act, 1867, comes within the exclusive legislative control of the Parliament of Canada. The inconvenience of a possible conflict between the laws of Canada and the by-laws of a Municipality upon this subject is obvious.

I recommend that the Lieut.-Governor's attention be called to these remarks.

Section 17 empowers the Council to assess and levy on the whole ratable property within its jurisdiction a sufficient sum in each year to pay all valid debts of the corporation.

The 20th section provides that the following real estate shall be exempt from taxation under this Act:—

1. Real estate vested in or held in trust for Her Majesty, or for the public uses of the Province.
2. Real estate vested in or held in trust for the Municipality.
3. Real estate vested in or held in trust for any tribe or body of Indians.
4. Every place of public worship, houses of religion, &c.

By the 125th Section of the British North America Act 1867, it is provided that “no lands or property belonging to Canada or any other Province shall be liable to taxation.”

It cannot be said that the exemption contained in the 20th section is as wide as it should be, having reference to the provision of the British North America Act just alluded to, but as a previous Act respecting County Municipalities, passed by the Manitoba Legislature, namely, 38th Victoria (1875), Cap. 41, containing similar provisions was allowed to go into operation, and as any attempt to tax under this Act any land or property belonging to Canada would be useless, I cannot recommend any interference with the Act on account of the provisions of this clause. Had the Act been the first of its kind which had been passed in the Province, I would have felt called upon to submit, for the consideration of Council, the question whether or not the exemptions from taxation should not be extended to the right of way and other property of any company which might be formed for the construction of the Canadian Pacific Railway, but as the Act above mentioned, namely 38th Victoria, (1875) Cap. 41, contains no such exemption, and as other legislation in Manitoba has been left to its operation under which taxes are authorized to be levied and which contains no exemption in favor of any Canadian Pacific Railway Company (see Cap. 19, 35th Victoria (1872) and Chp. 50 (38th Victoria, 1875) it would seem that an objection to the Act could not now on that ground be made without departing from the principles which appear to have been established with reference to the exercise of the power of disallowance, and in this case the fact that the previous legislation which has been left to its operation is in the same Province, and in respect

of the same subject-matter, is an additional reason if one were required, why the question cannot now be considered an open one.

Cap. 7.—“An Act to further amend the Act respecting Municipalities.”

Cap. 8.—“An Act relating to the performance of Statute Labor in outer Districts.”

Cap. 9.—“An Act further to amend the Act to establish a County Court in the Province of Manitoba, and for other purposes.”

Cap. 10.—“An Act respecting Marriage Licenses.”

Cap. 11.—“An Act to establish a Provincial University.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 12.—“An Act to amend the Act to establish a system of Education in this Province.”

The 17th section of this Act provides that if any person wilfully makes a false declaration of his right to vote, he shall be liable to a penalty of not less than fifty, nor more than one hundred dollars, and in case of default of payment to imprisonment during a period of not more than thirty days.

This seems to intrench upon the Criminal Law respecting perjury.

The Perjury Act above referred to seems to provide for punishment of a person for making a false declaration in such a case.

I think this section should be repealed, and I recommend that the attention of the Lieutenant-Governor be called to these remarks.

Cap. 13.—“An Act respecting the Medical Profession.”

To this Act there appears to be no objection, and I recommend that the same be left to its operation.

Cap. 14.—“An Act respecting the Study and Practice of Law.”

This Act incorporates all persons in actual practice of the legal profession in the Province under the name of the Law Society of Manitoba, provides who may be admitted and enrolled as an attorney in the Province. The persons entitled to be admitted to practice at the Bar are:—

1. Those who have been admitted into the Law Society as students of law, and have been standing on the books for five years and have conformed themselves to the rules of the Society.

2. Those who have taken certain University degrees, have been admitted into the Law Society and have been standing on the books for three years.

3. Any person who has been duly called to the Bar of any of Her Majesty's Superior Courts of Law or Equity in any of the Provinces of the Dominion of Canada or in England, Scotland or Ireland, and who produces sufficient evidence of such call, and testimony of good character, to the satisfaction of the Law Society.

Those entitled to be enrolled Attorneys are:—

1. Persons heretofore empowered to practice as Attorneys in the Province.

2. Those who have served under Articles to a practicing Attorney in the Province for five years and who have conformed themselves to the rules of the Society.

3. Those who have taken certain University degrees and have served under Articles to a practising Attorney in the Province for three years and have conformed to the rules of the Society.

4. Any Attorney or Solicitor in good standing of any of Her Majesty's Superior Courts of Law or Equity in any of the Provinces of the Dominion, or England, Scotland or Ireland, shall be *de facto* admitted to practice as an Attorney or Solicitor in the Courts of the Province of Manitoba on production of his certificate or diploma, and on proof of his good character, and upon such terms as such benches shall see fit.

In the year 1872 a Bill was passed by the Legislature of Manitoba intitled: “An Act to constitute and incorporate the Law Society of Manitoba,” and was reserved for the assent of the Governor General. The Lieutenant-Governor, in his despatch accompanying it, stated as follows:—

This Bill, even if the policy were sound, under any circumstances seemed to me premature. In a country like this obstacles should not be thrown in the way of any

person of good standing at the Bar of any other Province being admitted to the practice of the law here.

If the provisions of the Union Act, which confine the selection of Judges in any Province to the Bar of that Province, should be, as I think they are, applicable to Manitoba, it would not be desirable so to fence the admission here as to restrict the Government at Ottawa in their selection of Judges to such persons as the existing members of the Bar here might think fit to admit. But another important objection is the power given under the Bill to the Bar to regulate their own fees. Whether that is desirable at any stage of the history of the Bar of a country there can be no doubt that it would be a most dangerous power to extend to the Bar of this Province in its present condition. For the reasons mentioned by the Lieutenant-Governor the assent of His Excellency was not given to the Bill. As the Act now under consideration does not present the objectionable features contained in the previous Bill, and as provision is made for the calling to the Bar of persons who have been only called to the Bar of any of Her Majesty's Superior Courts of Law or Equity, in any of the Provinces of the Dominion, and for the enrollment as Attorney of any Attorney and Solicitor in good standing of any of Her Majesty's Superior Courts of Law or Equity in any of the Provinces of the Dominion, I recommend that the Act be left to its operation.

Cap. 15.—“An Act to authorize Corporations and other institutions incorporated out of the Province of Manitoba to lend and invest moneys therein.”

The first section of this Act provides that where any institution or corporation duly incorporated under the laws of the Parliament of Great Britain and Ireland, or of the Dominion of Canada, for the purpose of lending or investing moneys, may apply for and receive a license to carry on business within the Province of Manitoba, and certain conditions are to be complied with, and a certain fee (to be fixed by the Lieut.-Governor in Council) paid before the license can be granted.

The right of a Provincial Legislature to provide for the granting of a license by the Province to a company incorporated by the Parliament of Canada, and which by its Act of incorporation could be given the right to do business in the various Provinces is at least doubtful, but inasmuch as similar legislation has been allowed to go into operation in the Province of Ontario.

(See Cap. 27, of 39 Vic., 1875-76, Ontario.) I do not recommend any interference with this Act. I recommend, however, that the attention of the Lieut.-Governor be called to these remarks.

Cap. 16.—“An Act to amend ‘The Manitoba Election Act.’”

To this Act there appears to be no objection, and I recommend that it be left to its operation.

Cap. 17.—“An Act to legalize the lists of the Parliamentary Electors of 1877, for the City of Winnipeg.”

The word “Parliamentary,” which occurs in the title to this Act and also in the first section, is objectionable. This was pointed out in the Report of the Minister of Justice upon the Manitoba legislation, dated 21st February, 1874, and also by the Report of the Minister of Justice dated 6th October, 1876. It is, therefore, unnecessary for me to do more than refer to those Reports.

I recommend that the attention of the Lieut.-Governor be called to this Act, with a view to its amendment so as to obviate the objection mentioned.

Cap. 18.—“An Act to amend the Manitoba Jurors' Act.”

Cap. 19.—“An Act respecting the Office of Queen's Printer for the Province, and the publishing of the Manitoba Official Gazette.”

Cap. 20.—“An Act to amend the Treasury Department Act.”

Cap. 21.—“An Act to give authority to Land Surveyors to administer Oaths.”

Cap. 22.—“An Act respecting the Rights and Liabilities of Inn-keepers.”

Cap. 23.—“An Act respecting Lunatics and persons *non compos mentis*.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.”

Cap. 24.—“An Act respecting Inoculation and Vaccination.”



Cap. 25.—“ An Act to provide for the Incorporation of Charitable, Benevolent and Saving Associations.”

Cap. 26.—“ An Act respecting Apprentices and Minors.”

Cap. 27.—“ An Act to amend ‘The Mechanics’ Lien Act of 1877.’”

Cap. 28.—“ An Act to amend the Act respecting Mortgages and the sale of Personal Property, with certain other amendments.”

Cap. 29.—“ An Act to prevent Accidents and facilitate the egress from Public Buildings.”

To these Acts there appears to be no objection, and I recommend that they be left to their operation.

Cap. 30.—“ An Act respecting Companies for the establishment of Cemeteries in Manitoba.”

Section 28 provides, among other things, for the punishment by fine of any person who wilfully destroys, defaces, &c., any tomb, monument, &c., or any tree, shrub, or plant in a cemetery.

This seems to intrench somewhat upon the Criminal Law relating to malicious injuries to property. (See Cap. 22, of 32 and 33 Vic., 1869.)

I do not, however, recommend the disallowance of this Act, but I recommend that the attention of the Lieut.-Governor be called to the provisions.

Cap. 31.—“ An Act respecting Conveyance to Trustees for Burial places.”

Cap. 32.—“ An Act respecting interments and Disinterments.”

Cap. 33.—“ An Act to further amend “ An Act for the establishment of Agricultural and Arboricultural Societies in Manitoba.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 34.—“ An Act to amend the Acts relating to the sale and traffic of intoxicating liquors, and the granting of licenses in this Province.”

The third section of this Act provides that any person who shall have obtained a license to sell intoxicating liquors by means of fraud, &c., or by putting or inscribing or causing to be put or inscribed upon any of the documents referred to in the section, the names of any persons without their consent or knowledge, shall upon conviction be liable to a fine not exceeding \$300.

This provision seems somewhat to intrench upon the Criminal Law respecting forgery.

I recommend that the attention of the Lieutenant-Governor be called to it.

Cap. 35.—“ An Act to amend an Act for the protection of Game in the Province of Manitoba.

To this Act there appears to be no objection, and I recommend that it be left to its operation.

Cap. 36.—“ An Act to repeal 34th Vic., Cap. 21, to make better provision in reference to Dogs.”

In the first section of this Act which provides for the killing of dogs which worry sheep under a certain penalty, the amount of the penalty is left blank.

Cap. 37.—“ An Act to require the owners of threshing and other machines to guard against accidents.”

Cap. 38.—“ An Act further to amend an Act concerning stray animals.”

Cap. 39.—“ An Act to amend the Act to prevent breachy animals running at large.”

Cap. 40.—“ An Act in regard to Marks and Brands of Cattle.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 41.—“ An Act to incorporate Wesley College.”

Cap. 42.—“ An Act to incorporate Trinity College.”

These Acts appear unobjectionable, and I recommend that they be left to their operation.

Cap. 43.—“ An Act to amend the amended Act respecting the Incorporation of the City of Winnipeg.”

The sixth section of the Act seems to intrench upon the subject of interest which by the British North America Act comes under the exclusive legislative control of the Parliament of Canada.

The 13th section is as follows:—

“All fines and penalties imposed, levied and collected by the Police Magistrate appointed under this Act, shall be, unless otherwise provided, paid into the city exchequer, and form a fund for the payment of the salary of the Police Magistrate and maintaining the police force of the said city.”

The Province of British Columbia, in the year 1877, passed an Act authorizing “certain municipalities to retain and use the Court fines, fees and forfeitures as part of the civic revenue.” The approved Report upon this subject contains the following remarks, viz:—

“Notwithstanding anything to the contrary contained in any Act, Ordinance, or Proclamation, it shall be lawful for every municipality paying the annual salary of a Police Magistrate and maintaining a police force, to retain and use, as part of the Municipal Revenues, all Police Court fines, fees and forfeitures.”

This provision is wide enough to cover not only fines and forfeitures incurred for breach or non-compliance with laws of the Province made in relation to matters coming within the classes of subjects over which the Provincial Legislature has exclusive legislative authority, but also all fines and forfeitures, which may be imposed at the Police Court under the Criminal Law of Canada, or by reason of the breach of, or non-compliance with, the laws of Canada. The 102nd section of the British North America Act 1867, provides that:—

“All duties and revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund to be appropriated for the Public Service of Canada in the manner and subject to the charges in this Act provided.”

“There does not appear to be any provision in the Act reserving to the Provinces the revenues derived from fines or forfeitures under the Criminal Law, and as the Parliament of Canada has exclusive legislative authority over the Criminal Law (except the constitution of Courts of Criminal Jurisdiction), and as that Parliament alone can alter the existing Criminal Law under which fines and forfeitures are imposed and can create new crimes punishable by fine or forfeiture, and alone increase or reduce the amounts of fines and forfeitures under the Criminal Law or altogether abolish them, I am of opinion that the provision of this Act, so far as it attempts to control or dispose of fines and forfeitures imposed by the Criminal Law or by any of the other laws of Canada, is *ultra vires* of the powers of the Provincial Legislature, and I recommend that the attention of the Lieutenant-Governor be called to this Act to the end that the same may at the next Session of the Provincial Legislature be repealed or so amended as to confine it to fines and forfeitures arising under laws of the Province made in relation to matters coming within the exclusive legislative authority of the Province, otherwise that it be disallowed.”

These remarks are applicable to the section now under consideration. I recommend that the same course be pursued with this section as was pursued in the case of the Act of British Columbia.

Cap. 44.—“An Act to amend an Act Vic. 38, Cap. 46, intituled: ‘An Act to incorporate the Manitoba Western Railway Company.’”

Cap. 45.—“An Act to incorporate the Manitoba Investment Association.”

Cap. 46.—“An Act to amend and repeal certain enactments of the two last Sessions of the Legislature of the Province.”

Cap. 47.—“An Act to amend certain Acts of the present Session of the Legislature.”

Cap. 48.—“An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government of the Province of Manitoba,

for the fiscal year ending on the 31st December, 1877, and for other purposes connected with the public service."

These Acts appear to be unobjectionable and I recommend, that they be left to their operation.

Z. A. LASH.

I concur,

R. L., M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 27th April, 1878.

Referring to my Report, dated 15th January, 1878, upon the Statutes passed by the Legislative Assembly of the Province of Manitoba, in the year 1877, and in which certain objections were taken to certain provisions of those Statutes, I beg to report :

That a communication has been received from the Lieutenant-Governor, enclosing a letter from Attorney General Royal on behalf of the Government, stating the intention of the Government in reference to the objections taken. This letter referring to the Report and to the Order in Council approving the same, states that as the General Statutes of the Province are about to be consolidated, pursuant to a law passed during the last Session of the Legislature, the Commissioners will be instructed to follow the suggestions contained in the Report.

Relying upon the assurance contained in this letter that the objections to the Statutes will be thus removed, I recommend that the various Acts to which objection has been taken be left to their operation.

Z. A. LASH, D.M.J.

I concur,

R. L., M. J.

DEPARTMENT OF JUSTICE, OTTAWA, May 3rd, 1878.

I have the honor now to report upon Cap. 5 of the Statutes passed by the Legislature of the Province of Manitoba in the year 1877, which Cap. was omitted from the previous Report. It is intitled: "An Act to amend the Act passed in the 37th year of Her Majesty's reign, intitled: 'The Half-breed Land Grant Protection Act,'" and amends the Half-breed Land Grant Protection Act, passed in the year 1874, reserved for the assent of the Governor General, reported upon by the Minister of Justice on the 21st February, 1874, and assented to by His Excellency in Council on the 27th February, 1874.

In the Report which accompanied the reserved Bill, the Lieutenant-Governor stated that speculators had bought largely from half-breeds their claims to allotments at low prices, ranging as low in some cases as \$15, the maximum being \$50. That the object of the Bill was to cancel all these sales and give the vendee an action to recover back the price.

One of the reasons for passing the Bill, as mentioned in the preamble, appears to have been that the half-breeds entitled to participate in the grant made the agreements to sell their rights to speculators in evident ignorance of the value of their shares, accepting therefor only a trifling consideration.

In 1875, an Act was passed, being 38th Vic., Cap. 37, to amend this Half-breed Land Grant Protection Act. It provided in effect that if the half-breed who had sold his right returned or tendered to the purchaser the full consideration, and such expense as the purchaser had incurred in the transaction, with interest at 12 per cent. per annum, within three months from the passing of this Act of 1875, the contract of sale should be void, otherwise, if in writing that it should be valid, and that he should assign to the purchaser the lands granted to him within three months after the receipt by him of the patent from the Crown, and it was provided that notice of the passage of this Act of 1875 should be given in the *Manitoba Gazette* for three months immediately after its being assented to. This Act, upon the report of the Minister of Justice, was disallowed.

It appears that no notice as required was given in the *Manitoba Gazette*, and that the Honorable Mr. Royal, then Attorney General of Manitoba, who happened to be in Ottawa at the time the Act was being reported upon, stated that the notice was not given in consequence of a doubt on the part of himself and his colleagues, whether the Act would be allowed by the Governor General, and that the Act had not been considered as in force in the Province.

The present Act provides that, "Any sale for a valid consideration, and duly made and executed by deed, after the coming into force of this Act, by any half-breed having legal right to a lot of land as such, out of the one million four hundred thousand acres of land in the Province for half-breeds, appropriated by the Dominion, of such lot shall be held to be legal and effectual for all purposes whatsoever, and shall transfer to the purchaser the rights of the vendor thereto." Seven years have now passed since the land was appropriated for the half-breeds, and more than four years have elapsed since the passing of the original Half-breed Land Grant Protection Act; during that time the half-breeds must, as a general rule, become well acquainted with the value of their interests in the lands. The circumstances therefore under which the original Act was passed have considerably changed since that time. As the Legislature, which in the public interests passed the Act of 1874, have thought it expedient, in the public interests of 1876, under changed circumstances to modify that Act, and as the present Act renders valid only such sales as are made for valid consideration by deed after the coming into force of the Act, and as the original Act as to the transactions affected by it has not been interfered with, I think that the Act should be left to its operation, and I recommend accordingly.

Z. A. LASH, D. M. J.

I concur,  
R. L., M. J.

DEPARTMENT OF JUSTICE, OTTAWA, 23rd July, 1878.

During the last Session of the Legislature of Manitoba, an Act was passed intitled: "An Act to create a Fund for Educational Purposes."

This Act imposes an annual tax of five cents per acre on all lands owned by non-resident, and that whether improved or not, and a tax of one cent per acre on all lands owned by any resident or corporation in excess of 640 acres.

Strong opposition has been made to this Act by the Hudson Bay Company, who claim that its provisions are an interference with terms of the deed of surrender, under which that Company surrendered to Her Majesty certain rights in Rupert's Land.

The Company have expressed their intention of presenting a petition to the Dominion Government, praying that the Act may be disallowed, and are now engaged in the preparation of their case in support of that petition.

As the questions involved are serious ones, I recommend that the Government of Manitoba be requested not to actively enforce the provisions of the Act until the Government has had an opportunity of determining whether or not the same should be left to its operation.

It should be added that the Government of Manitoba will be afforded facilities for replying to any objections which may be raised to the Act on the part of the Hudson Bay Company, or others.

R. LAFLAMME, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 8th October, 1880.

I have the honor to report upon the Statutes of Manitoba, passed in the forty-first year of Her Majesty's Reign (1878), as follows:—

Cap. 1.—"An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government of the Province of Manitoba,

for the fiscal year ending on the 31st December, 1878, and for other purposes connected with the Public Service."

Cap. 2.—"An Act to amend 'The Manitoba Jurors' Act.'"

Cap. 3.—"An Act to authorize the Consolidation of the General Statutes of the Province of Manitoba."

Cap. 4.—"An Act to amend 'The Manitoba Controverted Elections Act, 1875.'"

Cap. 5.—"An Act to amend 'The Manitoba Election Act 1875.'"

Cap. 6.—"An Act respecting the partition of, and sale of real estate in the Province of Manitoba."

Cap. 7.—"An Act respecting Infants and their Estates."

Cap. 8.—"An Act respecting debtors in close custody, other than judgment debtors."

Cap. 9.—"An Act further to amend the Registration of Titles (Manitoba Act), 1873."

Cap. 10.—"An Act respecting service of Process and Garnishment."

Cap. 11.—"An Act respecting Alimony."

Cap. 12.—"An Act to amend the 'Manitoba Law Stamp Act, 1875.'"

I recommend that the power of disallowance be not exercised in respect to these Acts.

Cap. 13.—"An Act to create a Fund for Educational purposes."

This Act was objected to by the Hudson Bay Company as being an unconstitutional interference with their rights, and as in effect imposing an exceptional tax upon their lands. The Act was held by the Court of Manitoba to be unconstitutional and was repealed in the next Session of the Legislature.

No action was therefore necessary upon the Hudson Bay Company's petition.

Cap. 14.—"An Act to regulate the sale of intoxicating liquors and the granting of licenses in this Province."

This Act deals with licenses for the sale of intoxicating liquors, and some of its provisions may be held to entrench upon the powers of Parliament with respect to the regulation of trade and commerce, but as provisions of a similar nature have been passed in most of the other Provinces and left to their operation, and it has not yet been determined how far the power to deal with licenses will authorize an interference with trade in intoxicating liquors, the power of disallowance should not, I think, be exercised with respect to this Act.

Cap. 15.—"An Act further to amend an Act respecting registers of marriages, baptisms and burials, and vital statistics in the Province of Manitoba."

Cap. 16.—"An Act to amend the amended School Act."

Cap. 17.—"An Act to protect private property in certain cases."

Cap. 18.—"An Act to amend an Act passed in the thirty-eighth year of Her Majesty's reign, intituled: 'An Act respecting separate rights of property of married women.'"

Cap. 19.—"An Act to amend 36 Vic., Cap. 15, it being an Act to permit administrators to dispose of property in their care to better advantage."

Cap. 20.—"An Act to enable certain children of half-breed heads of families to convey their land."

Cap. 21.—"An Act to amend the 'Law Society Act.'"

Cap. 22.—"An Act relative to ferries in Manitoba."

Cap. 23.—"An Act relating to the performance of statute labor in outer districts."

Cap. 24.—"An Act respecting public roads."

Cap. 25.—"An Act to amend the Municipal Act of 1875, intituled: 'An Act respecting municipalities.'"

Cap. 26.—"An Act to amend the Act 35 Vic., Cap. 15, intituled: "An Act for the establishment of agricultural and arboricultural societies in Manitoba.'"

Cap. 27.—"An Act to amend the Mechanics' Lien Act of 1877."

Cap. 28.—"An Act to prevent the extension of prairie fires."

Cap. 29.—"An Act to protect native cattle from disease."

Cap. 30.—“ An Act concerning drovers and traders.”

Cap. 31.—“ An Act to incorporate the Pharmaceutical Association of the Province of Manitoba.”

Cap. 32.—“ An Act respecting land surveyors and survey of lands in the Province of Manitoba.”

Cap. 33.—“ An Act farther to amend the Act for the protection of game in the Province of Manitoba.”

Cap. 34.—“ An Act to encourage the destroying of wolves.”

Cap. 35.—“ An Act to further amend the amended Act of Incorporation of the City of Winnipeg.”

Cap. 36.—“ An Act to amend 40 Vic. Cap 6, intituled: ‘ An Act respecting County Municipalities.’ ”

Cap. 37.—“ An Act to amend the Act respecting the storage of gunpowder in and near the incorporated towns and villages of this Province.”

Cap. 38.—“ An Act to authorize the Law Society of Manitoba to admit Arthur Wellington Ross as a Barrister-at-law, and to practice as an Attorney and Solicitor in the Court of Queen’s Bench in the said Province of Manitoba.”

I recommend that the power of disallowance be not exercised in respect to these Acts.

JAS. McDONALD, Minister of Justice.

Approved 11th October, 1880.

• LORNE.

DEPARTMENT OF JUSTICE, OTTAWA, 8th October, 1880.

I have the honor to report upon the Statutes of Manitoba passed in the forty-second and forty-third years of Her Majesty’s reign (1879,) as follows:—

Cap. 1.—“ County Courts Act.”

Cap. 2.—“ An Act to establish a system of Public Schools in the Province of Manitoba.”

Cap. 3.—“ Town Corporations General Clauses Act.”

Cap. 4.—“ An Act to further amend the amended Act of Incorporation of the City of Winnipeg.”

Cap. 5.—“ An Act respecting fees of justices of the peace and their duties, and indemnity to jurors and criminal witnesses.”

Cap. 6.—“ An Act respecting the fees of counsel and other officers in the administration of Justice, and in other proceedings.”

Cap. 7.—“ An Act to amend 40 Vic., Cap. 3, intituled: ‘ An Act to divide the Province of Manitoba into Counties.’ ”

Cap. 8.—“ An Act to amend the registration of titles (Manitoba Act) and the Act amending the same being 3<sup>rd</sup> Victoria, Cap. 35.”

Cap. 9.—“ An Act respecting the Consolidated Statutes of Manitoba.”

Cap. 10.—“ An Act for the protection of game in the Province of Manitoba.”

Cap. 11.—“ An Act to amend the Act intituled: ‘ An Act to enable certain children of half-breed heads of families to convey their lands.’ ”

I recommend that the power of disallowance be not exercised with respect to these Acts.

Cap. 12.—“ An Act respecting Grand and Petit Jurors and Juries, and to amend the Manitoba Jurors’ Act.”

This Act is similar to one passed by the Legislature of the Province of Ontario, which has been left to its operation, and like the Ontario Act is not to come into force until a day is named by the Lieutenant-Governor by his Proclamation. If it be decided by the Supreme Court that the power to legislate with respect to the number of grand jurors to find a Bill or information does not exist in the Local Legislature, this Act will, of course, not be brought into operation.

I recommend that the attention of the Lieutenant-Governor be called to these remarks.

Cap. 13.—“An Act to amend the Act respecting the qualifications of Justices of the Peace.”

Cap. 14.—“An Act to amend Vic. 40, Cap. 6, intituled: ‘An Act respecting County Municipalities.’”

Cap. 15.—“An Act to amend an Act respecting the Study and Practice of Law.”

Cap. 16.—“An Act to enable the Law Society of Manitoba, to admit Alexander Macbeth Sutherland, to the said Society as a Student-at-Law, and an Articled Clerk.”

Cap. 17.—“An Act to amend 36 Vic., Cap. 13, intituled: ‘An Act respecting Registers of Marriages, Baptisms, Burials and Vital Statistics and the Amended Act thereto, 38 Vic., Cap. 38.’”

Cap. 18.—“An Act to provide an equitable re-distribution of the Electoral Divisions for the Legislative Assembly of the Province of Manitoba.”

Cap. 19.—“An Act to amend the Act to regulate the Sale of Intoxicating Liquors and granting of Licenses in this Province.”

Cap. 20.—“An Act to provide for the letting by Public Tender for the Printing required by the Provincial Government.”

Cap. 21.—“An Act to provide for the holding of a Court of Assize at Portage La Prairie.”

Cap. 22.—“An Act to amend ‘An Act respecting Statute Labor in Municipalities.’”

Cap. 23.—“An Act for the better maintenance of the Provincial Agricultural and Industrial Society of Manitoba.”

Cap. 24.—“An Act to incorporate the Historical and Scientific Society of Manitoba.”

Cap. 25.—“An Act to incorporate St. John’s College Ladies School.”

Cap. 26.—“An Act to incorporate ‘The Community of the Sisters of the Holy Names of Jesus and Mary.’”

Cap. 27.—“An Act to amend the Act, intituled: ‘An Act respecting Infants and their Estates.’”

Cap. 28.—“An Act to amend the Public Roads Act, 1878.”

Cap. 29.—“An Act respecting animals running at large.”

Cap. 30.—“An Act respecting Infectious and Contagious Diseases of Domestic Animals.”

Cap. 31.—“An Act to amend an Act respecting the indemnity to Members of the Legislature.”

Cap. 32.—“An Act to amend 41 Vic., Cap. 34.”

Cap. 33.—“An Act to further amend Cap. 37, 34 Vic.”

Cap. 34.—“An Act to amend 39 Vic., Cap. 10, intituled: ‘An Act concerning the opening of certain Public Roads.’”

Cap. 35.—“An Act to amend 39 Vic., Cap. 20, in reference to certain Animals going at large at certain seasons therefor.”

Cap. 36.—“An Act to amend Cap. 1, 38 Vic.”

Cap. 37.—“An Act for granting to Her Majesty certain sums of Money required for defraying certain Expenses of the Civil Government of the Province of Manitoba, for the fiscal year ending 31st December, 1879, and for other purposes connected with the Public Service.”

I recommend that the power of disallowance be not exercised with respect to these Acts.

JAMES McDONALD, Minister of Justice.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 19th February, 1878.*

The Committee of Council have had before them a Report dated 15th January, 1878, from the Honorable the Minister of Justice, upon the Statutes passed by the

Legislative Assembly of the Province of Manitoba, in the fortieth year of Her Majesty's Reign (1877), and they concur in the views and recommendations therein submitted, and accordingly advise that the Acts reported as unobjectionable be left to their operation, that the attention of the Lieut.-Governor of Manitoba be called to the remarks submitted in the Report of the Minister of Justice, and, with that view, that a copy of said Report be transmitted to the Lieut.-Governor.

W. A. HIMSWORTH, C.P.C.

The Hon. the Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 25th January, 1878.

SIR,—As the Manitoba Legislature is now in Session, and will likely rise at an early date, and as some of the Acts passed last year in Manitoba require to be amended as suggested in the Report upon them, and as a copy of the Report has to be sent to the Lieut.-Governor to-day, I think it would be well that a telegram should be sent to him stating that a copy of the Report has been forwarded and that amendatory legislation will be required this Session.

Your obedient servant,

Z. A. LASH, D.M.J.

The Under Secretary of State.

DEPARTMENT SECRETARY OF STATE, OTTAWA, 25th January, 1878.

Copy of a Report upon Manitoba Act passed last year sent to you by mail to-day, and amendatory legislation will be required this Session.

EDOUARD J. LANGEVIN, U.S.S.

To Lieut.-Governor of Manitoba, Fort Garry.

GOVERNMENT HOUSE, FORT GARRY, MANITOBA, 7th February, 1878.

SIR,—Your despatch of the 29th January last (158 on 59 of 77), with its contents, a Report of the Department of Justice of the 25th January, is received, but, unfortunately, it reached me the day after that of the prorogation of Parliament, and consequently too late for my Government to take action upon it.

I have the honor to be, Sir, your most obedient servant,

JOSEPH CAUCHON, Lieut.-Governor.

The Hon. the Secretary of State, Ottawa.

GOVERNMENT HOUSE, FORT GARRY, MANITOBA, 6th March, 1878.

SIR,—You will find enclosed a letter from the Attorney-General, written in the name of the Government, and which contains their intentions in relation to the "Manitoba Statute" therein mentioned.

I have the honor to be, Sir, your obedient servant,

JOSEPH CAUCHON, Lieut.-Governor.

The Hon. the Secretary of State, Ottawa.

MANITOBA, ATTORNEY-GENERAL'S OFFICE, WINNIPEG, 5th March, 1878.

SIR,—With reference to the letter of the Secretary of State of the 25th January last, transmitting a copy of a Report of the Honorable the Minister of Justice, upon the Statutes of Manitoba, passed in the fortieth year of Her Majesty's Reign, and to the letter of the said Secretary of State of the 20th February last, transmitting a copy of an Order in Council approving the above Report, I beg to state that as the General



Statutes of the Province are about to be consolidated in virtue of a law passed this last Session of the Provincial Legislature, the Commissioners will be instructed to avail themselves of the suggestions contained in the above mentioned Report.

I have the honor to be, Sir, your very obedient servant,

J. ROYAL, P.S. and Atty.-Gen.

His Honor the Honorable J. CAUCHON, Lieut.-Governor, &c., Winnipeg.

DEPARTMENT OF THE SECRETARY OF STATE, 24th July, 1878.

SIR,—Adverting to the Act passed by the Legislature of the Province of Manitoba during the last Session thereof, entitled: "An Act to create a fund for educational purposes;"

I have the honor to acquaint you that representations have been made to this Government to the effect that the provisions of the Act are an interference with certain alleged rights, and that application is about to be made for its disallowance.

I have therefore to request that, as the questions involved are serious ones, the provisions of the Act may not be actively enforced until this Government shall have had an opportunity of determining whether or not the same should be left to its operation.

I have to add that your Government will be afforded facilities for replying to any objections to which may be raised to the Act by the parties who propose to ask for disallowance.

I have, &c.,

R. W. SCOTT.

To His Honor the Lieutenant-Governor of Manitoba, Fort Garry.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 31st July, 1878.*

The Committee of Council have had under consideration a despatch dated 27th June, 1878, from the Right Honorable Sir M. E. Hicks-Beach to His Excellency the Governor General, transmitting a copy of a letter from the Secretary of the Hudson Bay Company to the Under Secretary of State for the Colonies, bringing under the notice of Sir M. E. Hicks-Beach, the provisions of an Act passed in the last Session of the Legislature of Manitoba, intitled: "An Act to create a fund for educational purposes," and alleging certain reasons why lands of the Hudson Bay Company should not be classed as lands owned by non-residents or be subject to the taxation proposed to be levied under the provisions of the Bill.

The Committee recommend that Sir M. E. Hicks-Beach be informed that the question of the constitutional power of the Legislature of Manitoba to enact such a law is under the consideration of the Minister of Justice, and should the Hudson Bay Company, through their legal advisers, think proper to offer any suggestions or arguments in favor of the view taken by them, they will receive the fullest consideration from the Minister of Justice, and in the meantime the Government of Manitoba has been requested not to actively enforce the provisions of the Act until the Government of Canada has had an opportunity of determining whether or not the law should be left to its operation.

W. A. HIMSWORTH, C.P.C.

The Hon. the Secretary of State.

OTTAWA, August 15th, 1878.

By telegraph from Winnipeg, Man., to Hon. Secretary of State.

Preliminaries for collection of land tax having all taken place, my Government desire to know, without delay, reasons urged in favor of disallowance of Smith Law.

JOSEPH CAUCHON.

DEPARTMENT OF JUSTICE, OTTAWA, 19th August, 1878.

I recommend that the Lieutenant-Governor of Manitoba be informed that this Government has been advised that those seeking the disallowance of the Act referred to, are about to present a Petition for that purpose, and are now engaged in the preparation of their case in support of that Petition. That the case has not yet been received, and that as soon as it comes to hand it will be communicated to the Government of Manitoba.

Z. A. LASH, D. M. J.

DEPARTMENT OF SECRETARY OF STATE, 20th August, 1878.

SIR,—I have the honor to inform you, in reply to your telegram of the 15th instant, requesting that your Government may be informed of the reasons urged in favor of disallowing the Act of the Manitoba Legislature passed at its last Session, intituled: "An Act to create a fund for Educational purposes," that this Government has been advised that those seeking the disallowance of the Act in question are about to present a Petition for that purpose; and are now engaged in the preparation of their case in support of that Petition.

The case has not yet been received; so soon however as it has been submitted it will be communicated to the Government of Manitoba.

I have, &c.,

R. W. SCOTT.

To His Honor the Lieut.-Governor of Manitoba, Fort Garry.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 5th July, 1880.*

On a Memorandum, dated 25th June, 1880, from the Hon. the Minister of the Interior, stating that he has given consideration to the communication dated the 28th May, 1880, from His Honor the Lieutenant Governor of Manitoba, transmitting a copy of a Minute of the Executive Council of the Province embodying a Report on the subject of the particular swamps or low-lying lands, the drainage of which the Local Government propose to effect under the provisions of the Order in Council of the 8th April last.

The Minister states that he is informed that the Government of the Province is prepared to proceed energetically with the work, on receiving the necessary authority, and he recommends that the list of swamp lands submitted by His Honor the Lieutenant Governor be accepted and approved, subject to proof of the several tracts in question falling within the class of marsh or wet lands contemplated by the Order in Council hereinbefore referred to, and that the Provincial Government be authorized to proceed with the drainage of the lands under the terms of the said Order in Council.

The Committee submit the above recommendation for Your Excellency's approval

J. O. COTÉ, C.P.C.

The Hon. the Secretary of State.

*Copy of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council, on the 11th October, 1880.*

On a Report dated 8th October, 1880, from the Honorable the Minister of Justice upon the Statutes, Chapters 1 to 38 of the Legislature of Manitoba, passed in the forty-first year of Her Majesty's reign (1878);

The Minister recommends that the power of disallowance be not exercised in respect of these Acts, except Chapter 13, "An Act to create a fund for Educational purposes," which was held by the Court in Manitoba to be unconstitutional.

The Committee submit the above recommendation for Your Excellency's approval.

J. O. COTÉ, C. P. C.

The Hon. the Secretary of State.

31st October, 1879.

SIR,—I have the honor to draw your attention to the fact that although the Statutes of Manitoba of 1878 have been issued and distributed yet it appears that no authenticated copy of these Statutes has been forwarded to this Government in accordance with the British North America Act of 1867, and to request that you will cause a copy duly certified to be transmitted to me, at your early convenience.

I have &c.,

J. C. AIKINS, Secretary of State.

His Honor The Lieutenant-Governor of Manitoba, Fort Garry.

GOVERNMENT HOUSE, FORT GARRY, 7th November, 1879.

SIR,—I have the honor to acknowledge the receipt of your despatch of 31st ult. complaining that no authenticated copy of the Statutes of Manitoba for the year 1848 has been forwarded to your Government, and to state that I shall see that these Statutes are sent according to law.

I have the honor to be, Sir, your most obedient servant,

JOSEPH CAUCHON.

The Honorable the Secretary of State, Ottawa.

*COPY of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 11th October, 1880.*

On a Report, dated 8th October, 1880, from the Hon. the Minister of Justice, upon the Statutes Chapters 1 to 37 of the Legislature of Manitoba, passed in the forty-second and forty-third years of Her Majesty's reign (1879) ;

The Minister recommends that the power of disallowance be not exercised with respect to these Acts, and that the attention of the Lieutenant-Governor be called to the remarks contained in the Minister's report with reference to Cap. 12: "An Act respecting Grand and Petit Jurors and Juries and to amend the Manitoba Jurors' Act."

The Committee submit the above recommendation for Your Excellency's approval.

J. O. COTÉ, C.P.C.

The Hon. the Secretary of State.

## REPORTS OF THE MINISTERS OF JUSTICE, ORDERS IN COUNCIL AND CORRESPONDENCE RELATING TO THE ACTS OF THE LEGISLATURE OF THE PROVINCE OF BRITISH COLUMBIA.

DEPARTMENT OF JUSTICE, OTTAWA, 29th September, 1877.

I beg to report upon the Acts passed by the Legislature of the Province of British Columbia in the fortieth year of Her Majesty's reign being the year 1877—received by the Secretary of State on the 22nd May, 1877.

No. 1.—"An Act for revising and consolidating the laws of the Province of British Columbia."

No. 2.—"An Act respecting the appointment of Magistrates."

No. 3.—"An Act respecting the appointment of Coroners."

No. 4.—"An Act respecting municipal elections."

To these Acts there appears to be no objection, and I recommend that they be left to their operation.

No. 5.—“An Act respecting the qualification for the offices of Mayor and Councillors in certain municipalities.”

Section 4 provides that “any candidate wilfully making a false declaration of his qualification for the office of City Councillor or Mayor, shall on conviction thereof upon information under oath in a summary way before any Justice of the Peace, be liable to imprisonment for any period not exceeding three months or to a fine, &c.”

Section 6 provides that certain persons “making a false declaration of the matter herein required to be declared before a judge, &c., shall be punishable therefor upon information under oath in a summary way before any Justice of the Peace by imprisonment for any period not exceeding three months or by fine, &c.”

These sections seem to trench upon the Criminal Law and procedure in criminal matters which by the “British North America Act, 1867, comes within the exclusive legislative authority of the Parliament of Canada.

I recommend that the attention of the Lieutenant-Governor be called to them in order that his Government may promote at the next Session of the Legislature legislation to repeal or amend the same before the time expires within which the power of disallowance can be exercised.

No. 6.—“An Act to enable Municipal Corporations to pass by-laws for the sale of land for taxes.”

The third section of this Act provides that the owner of land sold for non-payment of taxes may within a certain time redeem the estate sold by paying to the clerk of the municipality for the use and benefit of the purchaser or his legal representatives, the sum paid by him together with eighteen per cent. per annum thereon.

It is questionable whether or not this is legislation in respect of interest which, by the Confederation Act, comes within the exclusive legislative authority of the Parliament of Canada.

Inasmuch, however, as similar legislation has been left to its operation in other Provinces, and as the same result might be effected in another way, I recommend that this Act be left to its operation.

No. 7.—“An Act to remove doubts as to the validity of certain municipal elections.”

No. 8.—“An Act to amend the sub-section 37 of Section 21 of the Municipality Act 1872.”

These two Acts appear to be unobjectionable, and I recommend that they be left to their operation.

No. 9.—“An Act to authorize certain Municipalities to retain and use the Court fines, fees and forfeitures as part of the Civic Revenue.”

This Act is as follows, viz: “Notwithstanding anything to the contrary contained in any Act, Ordinance, or Proclamation, it shall be lawful for every municipality paying the annual salary of a Police Magistrate and maintaining a Police force to retain and use as part of the municipal revenue, all Police Court fines, fees, and forfeitures.”

This provision is wide enough to cover not only fines and forfeitures incurred for breach or non-compliance with laws of the Province made in relation to matters coming within the classes of subjects over which the Provincial Legislature has exclusive legislative authority, but also all fines and forfeitures which may be imposed at the Police Court under the Criminal Law of Canada, or by reason of the breach of or non-compliance with the laws of Canada.

The 102nd section of the British North America Act, 1867, provides that “all duties and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick, before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund to be appropriated for the Public Service of Canada in the manner and subject to the charges in this Act provided.”

There does not appear to be any provision in the Act reserving to the Provinces the revenues derived from fines or forfeitures under the Criminal Law, and as the Parliament of Canada has exclusive legislative authority over the Criminal Law (except the constitution of Courts of Criminal Jurisdiction) and as that Parliament alone can alter the existing Criminal Law under which fines and forfeitures are imposed and can create new crimes punishable by fine or forfeiture and alone increase or reduce the amounts of fines and forfeitures under the criminal law or altogether abolish them, I am of opinion that the provision of this Act, so far as it attempts to control or dispose of fines and forfeitures imposed by the Criminal Law or by any of the other laws of Canada is *ultra vires* of the Provincial Legislature, and I recommend that the attention of the Lieutenant-Governor be called to this Act to the end that the same may at the next Session of the Provincial Legislature be repealed, or so amended as to confine it to fines and forfeitures arising under laws of the Province made in relation to matters coming within the exclusive legislative authority of the Province, otherwise that it be disallowed.

No. 10.—“An Act to amend the Assessment Act, 1876.”

The third section of this Act amends Sub-section 11 of Section 8 of the Assessment Act, 1876, Section 8, provides that “all lands and personal property and income in the Province of British Columbia shall be liable to taxation, subject to the following exemption, among others the houses and premises whilst occupied by any of the officers, non-commissioned officers and privates of Her Majesty’s Regular Army and Navy in actual service, and the full or half-pay of any one in any or either of such services, any pension, salary, gratuity or stipend derived from any person from Her Majesty’s Imperial Treasury or elsewhere out of this Province, and the personal property of any person in such naval or military services on full pay, or otherwise in actual service.”

The amendment is the striking out of the words “or elsewhere out of the Province.” The effect of this seems to be to bring the pensions, salaries, gratuities or stipends derived by persons from the Dominion Treasury within the classes of property liable to taxation. The question how far the Provinces have a right to tax the salaries of persons in the service of the Dominion Government is now under the consideration of the Court of Appeal in Toronto, in the case of *Leprohon vs. the City of Ottawa*, and pending a decision as to the powers of a Local Legislature in this respect I do not recommend any interference with the Act.

No. 11.—“An Act to prevent the destruction of Pasturage on the Islands in the Gulf of Georgia.”

Section 8 provides for the imposition of a penalty of \$50 upon any person neglecting or refusing to obey the order of the Justice of the Peace in respect of using or altering a brand for the purpose of branding sheep in certain cases.

Section 9 imposes a fine upon certain persons fraudulently branding or obliterating brands on certain sheep. Each of these sections makes use of the word “offence” in dealing with the breach of or non-compliance with its requirements. In a Report upon the Statutes of Ontario, made by the Minister of Justice on the 25th August, 1873, the following remarks occur:—

“The undersigned would beg leave to suggest the inexpediency of describing in Provincial Statutes any breach of the Law of the Province as an offence. The 15th paragraph of the 19th section of the British North America Act, 1867, enables a Provincial Legislature to make laws in relation to the imposition of punishment by fine, penalty or imprisonment, for enforcing any laws of the Province. This can be done without describing the breach of the law as an offence. The word ‘offence’ in legal parlance seems to imply a breach of the Criminal Law, and when not expressly declared to be treason or felony may be considered as synonymous with misdemeanor,” and attention has been drawn in other reports upon Provincial legislation to the inexpediency of using the word “offence” in such cases in Provincial Statutes; and although I do not recommend the disallowance of this Act on account of the use of the word. I recommend that the attention of the Lieut.-Governor be called to the remarks just made, and that he be asked to request

his Government to see that the use of this word is avoided in future Provincial legislation.

No. 12.—“ An Act to prevent the spread of Thistles.”

This Act seems unobjectionable, and I recommend that it be left to its operation.

No. 13.—“ An Act to encourage the mining of Gold-bearing Quartz.”

This Act provides for the payment by the Province of the sum of \$15,000 to the company which first erects at a certain specified place a quartz mill of certain dimensions, and the fourth section is as follows:—

“ After payment of such sum Her Majesty’s Attorney-General for the Province of British Columbia, on behalf of Her Majesty, shall be deemed to be, as against the Company so receiving such money, a creditor for such money, and shall have at law and in equity a first mortgage upon the said mill and other the property of the said Company, for the said sum of \$15,000, without the registering or recording of such mortgage, and notwithstanding any prior, legal or equitable mortgage thereon.”

This section would seem to be objectionable as it may be an interference with vested rights of private individuals without providing for any compensation to them therefor. It may be that the land and other property of the Company which may first erect the mill has been *bona fide* mortgaged or pledged before the payment of the \$15,000, and even before the passing of the Act. If so, such mortgage or pledge might be rendered valueless without the knowledge or consent of the holder as upon payment of the \$15,000, the Attorney-General of the Province is to have at law and in equity a first mortgage upon the mill and other property of the Company, without registering or recording the mortgage; and notwithstanding any prior, legal or equitable mortgage thereon, should the mill be destroyed or the venture prove a failure, the first charge of \$15,000 might more than cover the value of the property.

I recommend that the attention of the Lieutenant-Governor be called to this provision with a view to its amendment at the next Session of the Legislature in order to meet the objections just mentioned.

No. 14.—“ An Act relating to minerals other than Coal.”

This Act provides for the mode of location of mining claims, and for the extent of the applicants interested in the location.

Section 11, is as follows:—In case any dispute shall arise between the applicants for the same claim or any portion thereof, any Supreme Court Judge, County Court Judge, or Gold Commissioner shall have full power to hear and determine the dispute, and the procedure and practice shall be analogous to that provided for in the “Gold Mining Ordinance, 1867.” Although I do not propose to recommend the disallowance of this Act, I think it proper to call attention to the various Acts relating to the Gold Commissioner and his powers as a Judge of the Mining Court, and to the danger of allowing legislation which increases from time to time the jurisdiction of this Court, the Judge of which has not been appointed by the Governor General.

Ordinance No. 90, assented to on the 2nd April, 1867, of the revised laws of British Columbia, section 4, provides that “the Governor may from time to time appoint such persons as he shall think proper to be Chief Gold Commissioner and Gold Commissioners either for the whole Colony, or for any particular District therein, and from time to time in like manner fix and vary the limits of, and sub-divide such districts, and make and revoke all such appointments.”

Section 5 is as follows:—

“ Within every such district or districts there shall be a Court to be called the ‘Mining Court’ in which the Gold Commissioner of the District shall preside as Judge thereof.”

Section 6 is as follows:—

“ Such Mining Court shall have original jurisdiction as a Court of Law and Equity, to hear and determine all mining disputes arising within its districts, and shall be a Court of Record with a specific seal, and in determining suits or actions brought therein, the Gold Commissioner may render such judgment, or make such order or decree as he shall deem just; and for the purpose thereof and for enforcing the same he shall have and exercise, same as hereinafter excepted, the same powers

and authority, legal and equitable, as are now exercised in the Supreme Court of Civil Justice of British Columbia by any judge thereof, provided, however, that the Gold Commissioner shall, if desired by both parties to accuse of liquidated damages, or if desired by either party to a cause in case of unliquidated damages, summon a jury of from three to five free miners to assess the amount of such damages."

In 1872 this Act was amended by No. 14 of the Acts of that year, the 12th section of which is as follows:—

"Section 6 of the principal Act shall be so construed as to give the Mining Court jurisdiction in all actions arising upon contracts entered into between any free miner or company of free miners and any other person or persons for the supply of goods, wares, merchandise, materials or implements used in mining (articles of clothing excepted), and the Gold Commissioner shall have full power to enforce any judgment, decree, rule or order of such Court according to the present practice of the Supreme Court of British Columbia, by writ of execution, process of contempt, proceedings for attachment of debts, or by other process adopted by such Supreme Court."

This Act was left to its operation without special remarks.

In 1873, Act No. 14 of that year was passed, providing for the merging of the Mining Court into the County Court and giving the County Court Judges the same jurisdiction and powers as those had and exercised by the Gold Commissioners acting as Judges of the Mining Court, but the Act is to come into force in such portions only of the Province as the Lieutenant-Governor in Council may from time to time by proclamation order, and such order may in like manner be from time to time varied or revoked.

This Act also was left to its operation without special remark.

In 1876, Act No. 26 of the Statutes of that year was passed, which after referring to an Act of 1873 authorizing the acquisition of the fee simple of certain mining lands upon certain conditions, provides by Section 7 as follows:—"That the Gold Commissioner shall with reference to real estate held under the said Act, have the same powers and authorities to decide all matters or disputes arising between the owners thereof, or between the owners and any third person in the same way, and as fully as he might do concerning claims not being real estate; and actions, suits and other proceedings relating to such matters or disputes, shall be brought and had in the same manner as actions, suits or proceedings relating to mining claims not being real estate."

This Act was also left to its operation without special remark. The section of the Act now under consideration, further extends the powers of the Gold Commissioner as Judge of the Mining Court. The 96th section of the British North America Act, 1867, empowers the Governor General to appoint the Judges of the Superior, District and County Court in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

By the 92nd section, the Provincial Legislatures have power to make laws in relation to the administration of justice, including the constitution, maintenance and organization of Provincial Courts, both of civil and of criminal jurisdiction. They have also power to legislate respecting the establishment and tenure of Provincial offices, and the appointment and payment of Provincial officers. If there be power in the Legislature of British Columbia to establish this so-called Mining Court and appoint and pay the Judges thereof, it must be found in the section I have just quoted. I think, however, that this Court, which is declared to have original jurisdiction, to be a Court of Law and Equity, and a Court of Record with a specific seal, and for the purpose of enforcing its judgments, orders, and decrees, to have (with certain exceptions) the same powers and authority, legally and equitably, as are exercised in the Supreme Court of Civil Justice of British Columbia, by any Judge thereof, which has power also to summon a jury to assess damages, may be considered a Court within the meaning of the 96th section of the Confederation Act.

It is not in my opinion necessary to bring a Provincial Court within the provisions of this section, that it should be called by the particular name of Superior, District,

or County Court. The exception to that section itself indicates that the Courts of Probate in Nova Scotia and New Brunswick would, unless specially excepted, have come within the definition of Superior, District, or County Courts. It will be readily seen how easy it would be for the Local Legislature, by gradually extending the jurisdiction of these Mining Courts, and by curtailing the jurisdiction of the County Courts or Supreme Courts, as now established, to bring within their own reach not only the administration of justice in the Province, but also practically the appointment of the Judges of the Courts in which justice is administered. Inasmuch, however, as legislation of a similar nature to that contained in the section now under consideration, has been left to its operation in previous years, and as the provisions of the section appear to be convenient, I do not recommend a disallowance of the Act.

I recommend, however, that the attention of the Lieutenant-Governor be called to the observation just made. The 14th section provides, that the Act shall only apply to unoccupied and unreserved Crown Land, and shall not apply to any Indian reserve or settlement. I call attention to the Report of the Minister of Justice, dated March 9th, 1874, upon Caps. 1, 3 and 4, of the Statutes of British Columbia of that year, in which it was pointed out, that as the two years by which, under the terms upon which British Columbia entered the Union, lands were to be reserved by the Government of British Columbia from sale, with a view to setting apart such lands as are requisite for the Canadian Pacific Railway, had expired, there was no objection to the passage of these Acts; but it was suggested that communication be had with the Lieutenant-Governor, calling his attention to the practical inconvenience which must ensue to the Government of Canada and British Columbia, if land be sold by the Province on any portion of the line which may hereafter be selected as that of the Canadian Pacific Railway, and that his consideration be requested to the propriety of withholding from sale or rights of pre-emption lands, which in so far as surveys have been heretofore made, can possibly be contiguous to the line of railway, if any one of such surveys be adopted. I recommend that a similar course be pursued with reference to this Act.

No. 15.—“An Act to make regulations with respect to Coal Mines.”

The word “offence” occurs no less than fifty-two times in this Act. I refer to the remarks I have made above as to this word. Section 14 is as follows, viz. :—

“Any Act for the time being in force relating to weights and measures, shall apply to the weights used in any mine to which this Act applies, for determining the wages payable to any person employed in such mine according to the weight of the coal gotten by such person in like manner as it applies to weights used for the sale of any article, and any inspector of weights and measures for the Province, appointed under the said Act shall, accordingly, from time to time, but without unnecessarily impeding or interrupting the working of the mine, inspect and examine in manner directed by the said Act, the weighing machines and weights used for mines to which this Act applies, or the measures or gauges used for such mines, provided that nothing in this section shall prevent the use of the measures and gauges ordinarily used in such mine.”

This section intrenches upon the subject of weights and measures which, by the British North America Act, 1867, comes within the exclusive legislative authority of the Parliament of Canada. I recommend that the attention of the Lieutenant-Governor be called to this provision in order that his Government may, before the time for disallowance of the Act arrives, promote its repeal.

Section 32 provides that, “Every person who commits any of the following offences, that is to say :—

1. Forges or counterfeits or knowingly makes any false statement in any certificate of competency or service under this Act, or any official copy of such certificate; or
- “2. Knowingly utters or uses any such certificate or copy which has been forged or counterfeited or contains any false statement; or
- “3. For the purpose of obtaining, for himself or any other person employed as a certified manager, or the grant, renewal, or restoration of any certificate under this Act, or a copy thereof, either



"a. Makes or gives any declaration, representation, statement, or evidence which is false in any particular, or

"b. Knowingly utters, produces or makes use of any such declaration, statement or evidence, or any document containing the same, shall be guilty of an offence against this Act, and be liable on conviction to imprisonment for a term not exceeding twelve months."

This section clearly intrenches upon the Criminal Law.

I recommend that the Lieutenant-Governor be requested to invite its repeal before the time for disallowance of the Act arrives.

The 28th sub-section of Section 46, Part II of the Act, is as follows, viz.:—

"No person shall willfully damage, or without proper authority, remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, break indicator, steam gauge, water gauge, safety valve, or other appliances or thing provided in any mine in compliance with this Act."

This seems to intrench upon the Criminal Law relating to malicious injuries to property, but as the provision is a useful one, and doubts may arise as to whether all the cases mentioned in the section are provided for in the Criminal Law, I do no more than call attention to the fact.

No. 16.—"An Act to repeal the Licenses Amendment Act, 1876; and an Act to further amend the Licenses Ordinance, 1867."

No. 17.—"An Act to afford to owners and occupiers of land a summary remedy in certain cases of trespass."

These two Acts appear unobjectionable, and I recommend that they be left to their operation.

No. 18.—"An Act to amend the Election Regulation Act, 1871."

This Act seems unobjectionable with the exception of the use of the word "offence" in the 8th section. The attention of the Lieutenant-Governor should be called to this word.

No. 19.—"An Act to amend the Law relating to Procedure at Election of members of the Legislative Assembly of British Columbia."

The 11th section is as follows:—

Every person who,—

"(1) Forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or

"(2) Without due authority supplies any ballot paper to any person, or

"(3) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in, or

"(4) Fraudulently takes out of the polling station any ballot paper, or

"(5) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box, or packet of ballot papers then in use for the purposes of the Election, or

"(6) Opens and exhibits his ballot paper to any one after having duly marked the same preparatory to depositing it in the ballot box,

"Shall upon a summary conviction before a Justice of the Peace, be liable to a fine not exceeding one hundred dollars, or to imprisonment for any term, not exceeding twelve months, if he is a returning officer, or an officer or clerk in attendance at a polling station, and if he is any other person, to imprisonment for any term not exceeding six months, any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable."

The 1st sub-section in so far as it relates to the forging or counterfeiting of ballot papers clearly intrenches upon the Criminal Law. The word "offence" also occurs in this section and in the 12th section. I recommend that the attention of the Lieutenant Governor be called to these remarks with a view to an amendment of the objectionable parts.

The 23rd section is as follows:—

"The provisions of the 'Election Regulation Act 1871' as regards personation apply to personation under this Act, in the same manner as they apply to a person

who knowingly personates and falsely assumes to vote in the name of another person as mentioned in the said Act."

On turning to the Election Regulation Act, 1871, the provisions as regards personation appear to be contained in the 67th, 68th and 69th sections.

These sections provide that any person knowingly personating and falsely assuming to vote in the name of any other person shall be guilty of a misdemeanor, and on being convicted thereof shall be liable to a certain fine or imprisonment. That the returning officer, if he has reason to suspect that any person is personating &c., may require such person to sign his name in a book, and any person signing the name of an elector, not being his own name, shall be guilty of forgery, and liable on conviction to be punished accordingly, and that any such person who being unable to write shall fix his mark to the name of any elector not being his own name, shall be guilty of forgery and liable on conviction to be punished accordingly. The attempt to incorporate these provisions in the Act now under consideration clearly intrenches on the Criminal Law.

I recommend that the attention of the Lieutenant-Governor be called to this, in order that the objection may be removed by amendment before the time expires within which the Act may be disallowed.

No. 20.—"An Act to authorize a loan of £150,000."

No. 21.—"An Act relating to the powers of the Judges of the Supreme Court to establish a tariff of costs and to make rules of practice."

These Acts appear unobjectionable, and I recommend that they be left to their operation.

No. 22.—"An Act to provide for the better administration of justice."

I propose to report upon this Act at a future time.

No. 23.—"An Act for giving appeals from convictions or orders of Justice of the Peace in certain cases to the County Court."

This Act appears unobjectionable and I recommend that it be left to its operation.

No. 24.—"An Act to consolidate the laws relating to the legal Profession in this Province."

I propose to report upon this Act at a future time.

No. 25.—"An Act to amend the Consolidated Public School Act, 1876."

No. 26.—"An Act to repeal the Land Act Amendment Act, 1876."

No. 27.—"An Act respecting short forms of mortgages in British Columbia."

No. 28.—"An Act for providing in certain cases for the distribution of the estates of persons dying intestate and leaving property in the Province."

No. 29.—"An Act relating to the 24th Geo. II., Cap. 40."

These Acts appear unobjectionable, and I recommend that they be left to their operation.

No. 30.—"An Act to prohibit the sale or gift of intoxicating liquors to minors and to prevent the frequenting of liquor saloons by such persons."

The word "offence" appears in the 3rd section of this Act, and with this exception the Act appears unobjectionable.

No. 31.—"An Act for the relief of Andrew Ostrice, of Victoria."

Although some objection has been taken to this Act its provisions seem to be quite within the legislative powers of the Province, and I recommend that it be left to its operation.

No. 32.—"An Act to incorporate the Alexandra Company Limited."

(For Report on this Act. See Sessional Papers, for 1882, No. 141, page 71.)

No. 33.—"An Act to incorporate the British Columbia Insurance Company Limited."

(For Report on this Act. See Sessional Papers, for 1882, No. 141, page 71.)

No. 34.—"An Act for granting certain sums of money required for defraying the expenses of Civil Government for the year 1877, and for the making good certain sums expended in the Public Service in 1876, and for other purposes."

This Act appears unobjectionable, and I recommend that it be left to its operation.

No. 35.—"Reserved Act."

In addition to the above Acts of the Legislature of British Columbia, a Bill was passed intituled: "An Act to amend the Gold Mining Amendment Act, 1872," which Bill was reserved by His Honor the Lieut.-Governor, for the signification of the pleasure of His Excellency the Governor General thereon. The Act is as follows:—

"Every Mining Court in this Province shall, in addition to its present jurisdiction, have jurisdiction in all personal actions arising within the limits of its district, and the Gold Commissioner presiding in any such Court shall have the like powers to enforce any judgment, decree, rule or order of such Court as are conferred by Section 12 of the Gold Mining Amendment Act, 1872. The provisions of this Act shall only have effect in the Electoral District of Kootenay, and in that part of the Province known as Cassiar."

The Attorney-General of the Province reported upon this Act to the Lieut.-Governor as follows:—

"This Act gives jurisdiction in all personal actions to the Gold Commissioners in Kootenay and Cassiar, and appears to trench upon the provisions of the 96th section of the British North America Act, which vests the appointment of the Supreme and County Court Judges in the Governor General alone, inasmuch as it provides that the paid employees of the Local Government in the district aforesaid shall have and exercise almost as much power as a Supreme Court Judge. As I think this Legislature has not the power in effect to make these appointments, I would suggest that the Act be reserved for the consideration of His Excellency the Governor General."

I refer to the remarks made upon the Mining Court in connection with the 11th section of Act No. 14. This Bill is an illustration of the danger I have above alluded to, as if it became law the jurisdiction of the Mining Court in the districts referred to will be greater than the jurisdiction of the County Court, and equal to that of the Supreme Court. It might be convenient that a somewhat extended jurisdiction should be given to a District Court or Magistrate in the Districts of Kootenay and Cassiar, thereby avoiding the expense and delay attendant upon a Judge of the Supreme Court travelling to these distant parts of the Province for the purpose of holding an Assize, and it is probable that this Bill was passed with that object in view. I would mention, however, that even were this Bill assented to it would be necessary for a Supreme Court Judge to proceed to the District mentioned for the trial of criminal cases. Upon the whole, I recommend the assent of the Governor General be not given to this Bill, which, in fact, should have been disposed of by the local authorities themselves.

Z. A. LASH, D.M.J.

I concur.

R. L., M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 21st February, 1878.

I have now the honor to report upon two Acts passed by the Legislature of British Columbia in the Session of 1877, which have not yet been reported upon namely:—

Cap. 22.—"An Act to provide for the better administration of justice."

(For Report on this Act. See Sessional Papers, for 1882, No. 141, page 71.)

Cap. 24.—"An Act to consolidate the laws relating to the Legal Professions in this Province."

The provisions of this Act places certain restrictions which did not previously exist upon the admission of Barristers and Attorneys to practice in the Courts of the Province, and although the wisdom of these restrictions in the present limited state of the legal profession in British Columbia may be questioned, yet as the subject matter of the Act comes within the legislative authority of the Provincial Legislature the power of disallowance could not properly be exercised in respect of the Act unless some Dominion interests were prejudiced thereby. The only way in which it could be said that Dominion interests would be prejudiced by the Act would be in

reference to the appointment of Judges to the Courts of the Provinces if those Judges had to be selected from the Bar of the Province.

After carefully considering the provisions of the British North America Act as made applicable to British Columbia by the terms upon which that Province entered Confederation, I am of opinion that the selection of Judges for British Columbia is not confined to the Bar of that Province. This no doubt was the opinion of the Minister of Justice at the time that Mr. Justice Gray of the New Brunswick Bar was appointed a Judge of the Supreme Court of British Columbia, and such being the case the Act appears to me to be one which should be left to its operation, and I recommend accordingly.

Z. A. LASH, D.M.J.

I concur,  
R.L., M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 15th May, 1878.

I have the honor to report:—That by my Reports of the 29th September, 1877, and 21st February, 1878, respecting the Statutes passed by the Legislature of the Province of British Columbia in the year 1877, objections to certain Acts were taken and the attention of the Lieutenant-Governor called thereto, with the request that the objections might be removed by repeal or amendment before the time for disallowance expired. Not having received a copy of the Statutes passed by the Legislature of the Province during the Session which lately closed, and not having been informed by the Lieutenant-Governor as to the action (if any) which had been taken with respect to the objectionable Act, and the time for disallowance expiring on the 21st May instant, the following telegram was transmitted by the Secretary of State to the Lieutenant-Governor on the 30th April last, viz:—

"Please state what action (if any) has been taken in reference to objections made to certain provisions of certain Statutes passed by your Legislature last year. Time for disallowance expires 22nd May; reply first mail."

To which the following reply was received on the 2nd May instant, viz:—

"Nothing done towards repealing objectionable clause. Copy of Acts passed last Session mailed to you on 24th ultimo; have written."

On the 8th May instant, certified copies of the Statutes of British Columbia, of last Session, were received.

On examining them I find that, with the exception of the following Acts, viz:—

No. 22.—"An Act to provide for the better administration of justice."

No. 32.—"An Act to incorporate the Alexandra Company, Limited."

No. 33.—"An Act to incorporate the British Columbia Insurance Company, Limited."

All the objections to the Acts of 1877 have been removed by legislation.

The letter referred to by the Lieutenant-Governor in his telegram of the 2nd instant, has not yet been received, and the time for action being so short, I think it imprudent to wait any longer as the Acts last referred to are very objectionable, and exceed the powers of the Local Legislature, and must, in accordance with the suggestion contained in the approved reports upon them, be disallowed.

No great inconvenience will result from the disallowance of Act No. 22, inasmuch as it has not yet been brought into force; and the other two Acts Nos. 32 and 33, being for the incorporation of private companies, it is not likely that much inconvenience will result from their disallowance especially as many of the powers assumed to be conferred upon these companies are already beyond the authority of a Local Legislature.

I recommend therefore that the Acts, viz:—

No. 22.—"An Act to provide for the better administration of justice."

No. 32.—"An Act to incorporate the Alexandra Company, Limited."

No. 33.—"An Act to incorporate the British Columbia Insurance Company, Limited."

Passed by the Legislative Assembly of the Province of British Columbia, in the fortieth year of Her Majesty's reign, A.D., 1877, be disallowed by Your Excellency in Council, and that the necessary proclamation in that behalf be issued.

I concur, R. L., M.J.

Z. A. LASH, D.M.J.

DEPARTMENT OF JUSTICE, OTTAWA, 13th March, 1879.

Referring to the Act passed by the Legislature of the Province of British Columbia, in the year 1878, known as the better administration of Justice Act, 1878, I have the honor to report.

That having considered the same, I recommend that it be left to its operation.

JAS. McDONALD, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, July 2nd, 1879.

I have the honor to report upon eighteen Acts passed by the Legislature of the Province of British Columbia, during the Session held in the spring of 1878, the titles of which are as follows:—

- "An Act to amend the 'Power of Attorney Act, 1875.'"
- "An Act to amend the 'Qualification and Registration of Voters Act, 1876.'"
- "An Act to amend the 'Coal Mines Regulation Act, 1877.'"
- "An Act to amend certain Acts relating to Municipalities (Cap. 129 of the Consolidated Statutes of British Columbia)."
- "An Act to encourage the mining of gold-bearing quartz."
- "An Act to amend the 'Ballot Act, 1877.'"
- "An Act for the protection of certain Animals and Birds in British Columbia."
- "An Act relating to Corporations."
- "An Act for dyking and reclaiming certain lands at Chilliwack, Sumas and Matsqui."
- "An Act to incorporate the British Columbia Express Company."
- "An Act to incorporate the Moodyville Saw Mill Company, Limited."
- "An Act to incorporate the British Columbia Milling and Mining Company."
- "An Act for the better regulation of traffic on the highways of British Columbia."
- "An Act to amend the 'Consolidated Public School Act, 1876,' Cap. 142, Con. Stat. 1877."
- "An Act relating to Minerals, other than coal, found in lodes or veins, and to amend the Gold Mining Ordinance, 1867." (Con. Stat., Cap. 123.)
- "An Act to amend the 'School Tax Act, 1876.'" (Con. Stat., Cap. 143.)
- "An Act to amend the 'Sheriffs Act, 1873.'"
- "An Act for granting certain sums of money required for defraying the expenses of Civil Government for the half-year ending 30th June, 1878, and for other purposes."

With the exception of the Act intituled: "An Act for dyking and reclaiming certain lands at Chilliwack, Sumas and Matsqui," the above Acts appear unobjectionable and should be left to their operation.

I was given to understand by the Deputy of the Minister of the Interior that the provisions of the Act last mentioned conflicted with an understanding entered into by the Department of the Interior with the British Columbia Government.

The Act was therefore sent to him for his remarks. After communication with the Indian Agent in British Columbia, and with the British Columbia Government the objections to the Act have, I am informed, been removed, and the Department of the Interior have reported that the Act may be left to its operation.

I recommend therefore that the eighteen Acts above mentioned be left to their operation.

I concur,

JAS. McDONALD, M.J.

Z. A. LASH, D.M.J.

## DEPARTMENT OF JUSTICE, OTTAWA, August 15th, 1879.

I have the honor to report upon certain Acts passed by the Legislature of the Province of British Columbia in the year 1878 (42Vic.) and assented to in the month of September of that year.

Cap. 19.—“An Act to amend the ‘Constitution Act, 1871,’ by creating a new Electoral District and providing for a redistribution of seats in the Districts of Nanaimo, Cowichan and Kootenay.”

This Act should be left to its operation.

Cap. 20.—“An Act to make further provision for the administration of justice.”

This Act has already been, by Order in Council, left to its operation.

Cap. 21.—“An Act to enable the Lieutenant-Governor in Council to establish a tariff of costs in the Supreme and County Courts.”

This Act is doubtless within the legislative powers of the Provincial Legislature, and as it does not interfere with Imperial or Dominion interests the power of disallowance should not be exercised with respect to it. The wisdom and expediency of its provisions are, however, open to serious question.

Cap. 22.—“An Act to amend the Qualification and Registration of Voters’ Act, 1876.”

This Act is within the legislative authority of the Provincial Legislature, and should be left to its operation.

The very stringent provisions of the fourth section against certain persons directly or indirectly influencing voters at Provincial Elections will, I fear, prove to be very difficult to enforce.

Cap. 23.—“An Act relating to the protection of game.”

Cap. 24.—“An Act to amend the ‘Highways Nuisances Removal Act, 1878.’”

These two Acts should be left to their operation.

Cap. 25.—“An Act relating to the Crown Lands in British Columbia.”

(For Report on this Act. See Sessional Papers, for 1882, No. 141, page 72.)

Cap. 26.—“An Act relating to certain Ordinances and Acts.”

Cap. 27.—“An Act to amend the law respecting retail liquor licenses.”

Cap. 28.—“An Act relating to the British Columbia Loan Acts, 1874 and 1876.”

Cap. 29.—“An Act to amend the Mineral Act, 1878.”

Cap. 30.—“An Act to provide for employing prisoners without the walls of Common Gaols.”

Cap. 31.—“An Act to amend the law relating to the legal professions.”

Cap. 32.—“An Act to amend the School Tax Act, 1876.”

Cap. 33.—“An Act for granting certain sums of money required for defraying the expenses of Civil Government for the half year ending 31st December, 1878, and for other purposes.”

Cap. 34.—“An Act for granting certain further sums of money required for defraying expenses of the Civil Government for the half year ending 31st December, 1878, and for other purposes.”

The above Acts should be left to their operation.

Cap. 35.—“An Act to provide for the better collection of Provincial Taxes from Chinese.”

This Act has been held by the Supreme Court of British Columbia to be unconstitutional and void. The judgment has not been appealed from and must be taken to be the law. As it is clearly the duty of this Government not to allow an Act of this nature, which has been declared by the Court to be *ultra vires*, to remain on the Statute Book, I think it should be formally disallowed. I recommend therefore that the Act of the Province of British Columbia passed in the forty-second year of Her Majesty’s Reign (A. L. 1878), Cap. 35, and intitled: “An Act for the better collection of Provincial Taxes from Chinese,” be disallowed.

Cap. 36.—“An Act to amend the Assessment Act, 1876.”

This Act contains many detail provisions which no doubt will be found useful in connection with the collection of taxes, some of its provisions are very stringent and

may work hardships, but so long as they are within the legislative authority of the Province, their nature is not such as to call for an exercise of the power of disallowance. There are, however, certain provisions in the Act which call for remark, as being *ultra vires* of the Provincial Legislature. The 10th section enacts that when taxes are delinquent (*i.e.* unpaid for a certain specified time), twenty-five per cent. thereof shall be charged thereon and added thereto and shall form part of such delinquent tax, and interest shall at once attach thereon after the rate of 18 per cent. per annum. Provisions then follow for the collection of the amount by sale of the land, &c. According to the decision in the case of *Ross v. Torrance* above referred to the attempt to add the 25 per cent. and the 18 per cent. interest to the unpaid taxes is void. Were the Statute now under consideration of a nature similar to the "Act relating to the Crown Lands in British Columbia," which has been recommended to be disallowed, I would feel called upon to make the same recommendation with respect to it. The objection to this Act, however, from a constitutional point of view, relates to the provisions which affect the amount merely of the tax, the other provisions, though in some respects stringent, are within the powers of the Provincial Legislature, and it must be presumed that they have been found necessary in the public interests, and they are not of such a nature as to call for interference therewith by the Dominion Government.

Any person desiring to test the legality of the claim for the 25 per cent. addition and the 18 per cent. interest will have a convenient way of doing so by proceeding against the collector to restrain a seizure or sale by testing the validity of the sale with the purchaser. In this respect the Act differs materially from the one which has been recommended for disallowance. Under all the circumstances, I think the better course will be to leave the Act to its operation, at the same time calling the attention of the British Columbia Government to the above remarks, and to the case of *Ross v. Torrance* above referred to, in order that they may consider the advisability of the public interests of amending the Act next Session in such a manner as will remove the constitutional objections thereto, and at the same time prevent the litigation and feeling of insecurity with respect to tax titles which will undoubtedly arise if the Act be attempted to be enforced in its present shape. I recommend therefore that this course be followed.

Cap. 37.—"An Act to amend the Cariboo Waggon Road Tolls Act, 1876."

This Act will be reported on at a future time.

Cap. 38.—"An Act to amend an Act to afford Owners and Occupiers of land a summary remedy in certain cases of Trespass."

This Act is unobjectionable, and should be left to its operation.

Z. A. LASH, D.M.J.

I concur,

JAS. McDONALD, M.J.

OTTAWA, 8th May, 1880.

I have the honor to report upon the Statutes passed by the Legislature of British Columbia in the year 1879, received by the Honorable the Secretary of State on the second day of July, 1879, as follows:—

Cap. 1.—"An Act to further amend the Bills of Sale Ordinance, 1870."

This Act requires no special observation; I recommend that it be left to its operation.

Cap. 2.—"An Act to enable the Lieutenant-Governor in Council to grant Charters for the erection of Toll Bridges."

It appears from a communication sent to the Honorable the Minister of the Interior, from certain inhabitants of Victoria, B.C., that certain persons had applied to the Lieut.-Governor in Council for a Charter giving them authority to build a bridge over a part of the Victoria Harbor, and a strong protest was made against the building of any such bridge.

The Premier of British Columbia, the Honorable E. A. Walkem, while here in February last, informed me that His Government had done nothing towards granting the application, and that as the waters of the harbor where the bridge was proposed to be built were navigable, he did not claim for his Government the power to authorize the erection of the bridge.

It will be observed that the Act is expressly confined to such bridges as are under the control of the Legislature of British Columbia. The Statute does not even assume to empower the Provincial Government to authorize the construction of a bridge which might interfere with navigation, and it is quite clear that express words in the Statute assuming to give such authority would be of no effect, as any person attempting to obstruct by a bridge or otherwise, without the authority of the Parliament of Canada, the navigation of any river, harbor, bay, arm of the sea, or other navigable water, could be prevented by injunction from causing the obstruction, and in certain events the obstruction if created, might, as any other nuisance, be abated by the public without process of law.

I recommend that the Act be left to its operation.

Cap. 3.—“An Act to protect Winter Stock Ranges.”

This Act will be reported upon on a future occasion.

Cap. 4.—“An Act to repeal the Cemetery Ordinance, 1870.”

Cap. 5.—“The Cemetery Act, 1879.”

Cap. 6.—“An Act to provide for the management of certain Cemeteries in the Province of British Columbia.”

Cap. 7.—“An Act for the protection and relief of the Nanaimo Fire Brigade.”

Cap. 8.—“An Act to amend the Constitution Amendment Act, 1878.”

I recommend that these Acts be left to their operation.

Cap. 9.—“An Act respecting Coroners.”

I recommend that this Act be left to its operation as Acts of a similar nature in other Provinces have not been interfered with.

I desire to point out, however, that the right of a Provincial Legislature to legislate respecting Coroners has, in certain respects, been questioned as intrenching upon the subject of Criminal Law and criminal procedure.

Cap. 10.—“An Act respecting the costs of Arbitrators.”

Cap. 11.—“An Act respecting the costs of Levying Distresses for Rents and Penalties.”

I recommend that these Acts be left to their operation.

Cap. 12 and Cap. 13.—(These Acts have been reported upon separately.)

Cap. 14.—“An Act to amend the ‘Sumass Dyking Act, 1878.’”

I recommend that this Act be left to its operation.

Cap. 15.—“An Act respecting the Sumass Dyking Act, 1878.”

This Act will be reported upon hereafter.

Cap. 16.—“An Act respecting the Fees of Sheriffs, Justices of the Peace, and Constables, and for other purposes.”

Cap. 17.—“An Act to amend the ‘Fence Ordinance, 1869.’”

Cap. 18.—“An Act to amend the ‘British Columbia line fences and water courses Act, 1876.’”

Cap. 19.—“An Act to provide for the proper management of Gaols.”

Cap. 20.—“An Act respecting the Graving Dock at Esquimalt.”

Cap. 21.—“An Act to amend the ‘Land Act, 1875.’”

Cap. 22.—“An Act to amend Section 4 of the ‘Land Registry Ordinance, 1870.’”

I recommend that these Acts be left to their operation.

Cap. 23.—“An Act to amend the ‘Licenses Ordinance, 1867.’”

This Act will be reported upon at another time.

Cap. 24.—“An Act to establish Liens in favor of Mechanics and others.”

Cap. 25.—“An Act to cancel certain Debentures issued under the authority of the British Columbia Loan Acts 1874 and 1876, and to repeal the ‘British Columbia Loan Act, 1876.’”

Cap. 26.—“An Act respecting the Magistracy.”



Cap. 27.—“An Act to authorize the Lieutenant-Governor to execute Marriage Licenses, and for other purposes relating to Marriages.”

Cap. 28.—“An Act to amend the ‘Municipality Act, 1872.’”

Cap. 29.—“An Act respecting the Civil Service, the collection and management of the Revenue, and the duties and liability of the auditor and accountants.”

I recommend that these Acts be left to their operation.

Cap. 30.—“The Public School Act, 1879.”

Section 25 of this Act is clearly beyond the power of the Legislature to pass, as it expressly assumes to make a person wilfully making a false declaration of his right to vote at the Election of the School Trustees guilty of a misdemeanor.

The provisions of the section were evidently overlooked when passing through the House.

I recommend that the attention of the Lieutenant Governor be called thereto, with a request that his Government will in due time promote the repeal of the section.

Meantime, I recommend that the Act be left to its operation.

Cap. 31.—“An Act respecting Law Stamps.”

Cap. 32.—“An Act respecting the Printing and Distributing of the Statutes, Journals, and Sessional Papers, of the Legislative Assembly.”

Cap. 33.—“An Act for granting certain sums of Money required for defraying the Expenses of Civil Government for the eighteen months ending 30th June, 1880, and for other purposes.”

Cap. 34.—“An Act to amend the ‘Assessment Act, 1876, and the Assessment Amendment Act, 1877.’”

Cap. 35.—“An Act to amend Sections 9 and 13 of the Assessment Amendment Act, 1878, and Section 1 of the School Tax Act Amendment Act, 1878.”

Cap. 36.—“An Act to repeal section 6 of the ‘School Tax Act, 1876.’”

Cap. 37.—“An Act respecting the collection of School Tax and Mining Licenses.”

I recommend that these several Acts be left to their operation.

JAMES McDONALD, M.J.

OTTAWA, 8th May, 1880.

I have the honor to report upon two Acts passed by the Legislature of the Province of British Columbia, in the year 1879, received by the Hon. the Secretary of State, on the 2nd day of July, 1879, as follows:—

Cap. 12.—“An Act to amend the Practice and Procedure of the Supreme Court of British Columbia, and for other purposes relating to the better administration of justice.”

A very strong protest against this Act, by reason of the provisions of the 17th section, has been received from the three Judges of the Supreme Court at British Columbia.

The 17th section empowers the Lieutenant-Governor, by Order in Council, to make rules to be styled “Rules of Court,” for carrying the Act into force, for regulating the sittings of the Court, &c., for pleading, practice and procedure, duties of officers, rights of counsel, &c.

The Judges in effect contend that they are by this section placed more under the control of the Local Government than they should be, claiming that they are Dominion officers, and that their independence as Judges may be interfered with by the powers given to the Lieutenant-Governor in Council under the 17th section of the Act.

With the exception of the 14th section, to which reference will be made below, the Judges do not make any other objection to the Act, and from the correspondence transmitted, it appears that, with the exception of the 14th and 17th sections, the Act was substantially framed by the Judges themselves.

The legislative authority over the administration of justice in the Province, including the constitution, maintenance and organization, of Provincial Courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those Courts, which is vested in the Provincial Legislatures, seems clearly to authorize the making of the provisions contained in the 17th section, and unless there be grave reason to the contrary, the course which has been adopted by this Government, heretofore, in dealing with Provincial legislation, would seem to require that provisions so clearly within the powers of the Local Legislature, should be left to their operation, notwithstanding that they, or some of them, may not accord with the views which will be entertained respecting the expediency of such provisions.

Had the Provincial Legislature seen fit to confer on the Judges themselves the power of making the rules of Court as has been done in England, in Ontario and other Provinces, and as was done by the Parliament of Canada when establishing Supreme and Exchequer Courts, such a course would, I think, have been more satisfactory. The Attorney-General of British Columbia has, however, made a Report setting out the reasons why power was given to the Governor in Council instead of Judges to make the rules of Court. A copy of this Report was transmitted by the Lieutenant-Governor to this Government.

The 14th section is as follows:—Courts of Assize and Nisi Prius, or of Oyer and Terminer and General Gaol Delivery, may be held with or without commissions at such time and places as the Lieutenant-Governor may direct; and when no commissions are issued, the said Courts, or either of them, shall be presided over by the Chief Justice, or one of the other Judges of the said Supreme Court, either of whom, as the case may be, may, in civil proceedings, reserve the giving of this final decision on questions raised at the trial, and his decision, whenever given, shall be considered as if given at the time of the trial.

The Judges are of opinion that so far as this section assumes to change the present practice of holding courts for the trial of criminal cases, it is beyond the powers of the Provincial Legislature, as affecting procedure in criminal matters.

In the case of the *Queen vs. Amer*, reported in 42 Q. B. Reports of Ontario, page 391. Mr. Justice, now Chief Justice Adam Wilson, expresses opinions which go far to show that the provisions of the section now under consideration are within the competency of a Provincial Legislature.

The matter is by no means so clear as to warrant me in recommending the disallowance of the Act. On the whole, therefore, I recommend that the Act be left to its operation.

Cap. 13.—“Judicial District Act, 1879.”

This Act has also been protested against by the Judges. Their protest is against three Acts which they declare should be taken as one piece of legislation, namely:—

“The Better Administration of Justice Act, 1878.”

“The Judicature Act, 1879 (being Cap. 12 above referred to) and the Judicial District Act, 1879.”

Their protest is dated in Victoria, B.C., 29th April, 1879, and was not, of course, received here until the month of May, 1879.

“The better administration of justice Act, 1878, was left to its operation by Order in Council dated 17th March, 1879, therefore the protest, so far as it refers to that Act, cannot now be considered.

The judicial District Act, 1879, seems to be a necessary adjunct to the better administration of justice Act, 1878, and as the policy of that Act has been adopted by the Parliament of Canada, and provision has been made for the salaries of the two additional Judges provided for by that Act, no other course seems open than to leave the Act now under consideration to its operation, and I recommend accordingly.

JAS. McDONALD, Minister of Justice.

OTTAWA, 23rd June, 1880.

I have the honor to report upon the three Acts of the Legislature of the Province of British Columbia reserved in my last Report, namely:—

Cap. 3.—“ An Act to protect Winter Stock Ranges.”

I recommend that this Act be left to its operation.

Cap. 15.—“ An Act respecting the ‘ Sumas Dyking Act, 1878.’ ”

The disallowance of this Act was prayed for by Mr. E. L. Derby on the ground that it was an interference with his rights. It is not necessary to pass any opinion upon the fairness or unfairness of the provisions of the Statute, because, as I think, it is clearly within the legislative authority of the Provincial Legislature, and as no Dominion or Imperial interests are involved, it should be left to its operation.

I recommend accordingly.

Cap. 23.—“ An Act to amend the ‘ Licenses Ordinance, 1867.’ ”

The report upon this Act was delayed, as the question whether it was not an interference with the regulations of trade and commerce seemed to require consideration.

I think, however, that it should be left to its operation, as it would seem to come within the powers of the Provincial Legislature as given by sub-section 9 of sec. 92, of the British North America Act, 1867, namely, the power respecting shop, saloon, tavern, auctioneer and other licenses. Even if there be doubts upon the subject, the course which has hitherto been pursued with respect to similar enactments would not warrant a disallowance of the Act, and would require that it should be left to its operation, leaving any person who may question its constitutionality to test the matter in the usual way before the Courts.

JAS. McDONALD, Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 27th July, 1881.

I have the honor to report with respect to the Acts passed by the Legislature of British Columbia in the year one thousand eight hundred and eighty, as follows:—

I recommend that the power of disallowance be not exercised with respect to the following, viz: Caps. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31 and 32.

With reference to Cap. 4, intituled: “ An Act to abolish the priority of and amongst execution creditors,” I would remark that the Act is similar to an Act passed by the Legislature of Ontario, in the year 1880, which has been left to its operation. I append hereto an extract from the Report of the Minister of Justice upon the Ontario Act, and recommend that the attention of the Lieutenant-Governor of British Columbia be called thereto.

Cap. 10, intituled: “ An Act respecting the fraudulent preference of creditors by persons in insolvent circumstances,” seems to entrench upon the subject matter of insolvency, but the question is doubtful, and no inconvenience can arise by leaving the Act to its operation.

\* \* \* \* \*

A. CAMPBELL, Minister of Justice.

*Extract.*

Taking this Act section by section much can be said in favor of the view that its provisions are within the legislative authority of the Provincial Legislature, but taking its effect as a whole much can be said in support of the contention that it entrenches upon the subject of bankruptcy and insolvency over which the Parliament of Canada has exclusive legislative authority.

In view of the doubts which exist with respect to the matter, in view also of the fact that the Insolvency Laws of the Dominion have been repealed; in view also of the provisions of Section 28 of the Act, which provides that it is not intended to

interfere with the Insolvency Laws which may from time to time be in force, but it is intended to be subject to such laws, and subject as aforesaid to apply to all debtors whether solvent or not; in view also of the fact that if the power of disallowance be not exercised, any person wishing to test the constitutionality of the Act in any of the Courts will be at liberty to do so.

I recommend that the power of disallowance be not exercised with respect to the said Act.

JAS. McDONALD, Minister of Justice.

BRITISH COLUMBIA, GOVERNMENT HOUSE, 10th May, 1877.

SIR.—I have the honor to transmit to you herewith, for the information of His Excellency the Governor General of Canada, a certified copy of all the Acts passed at the last Session of the Legislative Assembly of this Province, and to which I assented in Her Majesty's name, on the 18th day of April last.

Also, a certified copy of a Bill passed at the said Session, intituled: "An Act to amend the Gold Mining Amendment Act, 1872," to which I did not assent, but which I reserved for the signification of the pleasure of His Excellency the Governor General of Canada.

Also, a copy of the report of the Attorney-General of the Province upon the said Bill reserved, together with a list of the said Acts and Bills.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS.

The Hon. the Secretary of State of Canada, Ottawa.

ATTORNEY-GENERAL'S OFFICE, 16th April, 1877.

SIR,—I have the honor to report upon an Act passed during the present Session of the Legislature, intituled: "An Act to amend the Gold Mining Amendment Act, 1872." This Act gives jurisdiction in all personal actions to the Gold Commissioners in Kootenay and Cassiar, and appears to trench upon the provisions of the 96th section of the British North America Act, which vests the appointment of the Supreme and County Court Judges in the Governor General alone; inasmuch as it provides that the paid employees of the Local Government in the Districts aforesaid, shall have and exercise almost as much power as a Supreme Court Judge.

As I think the Legislature has not the power, in effect to make these appointments, I would suggest that the Act be reserved for the consideration of His Excellency the Governor General.

I have the honor to be, Sir, your obedient servant,

A. C. ELLIOTT, Attorney-General.

His Excellency the Lieutenant-Governor.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 12th October, 1877.*

The Committee have had before them the Report of the Honorable the Minister of Justice, dated 29th September, 1877, upon the Acts passed by the Legislature of the Province of British Columbia, in the 40th year of Her Majesty's reign (1877), and they concur in the several recommendations that the Acts reported to be unobjectionable be left to their operation, that the Act reserved by the Lieutenant-Governor, intituled: "An Act to amend the Gold Mining Amendment Act, 1872," be not assented to, and that the attention of the Lieutenant-Governor of British Columbia be called to the several Acts to which objection is taken in the Report of the Minister of Justice, and that with that view that a copy of said Report be transmitted to the Lieutenant-Governor.

W. A. HIMSWORTH, C.P.C.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 28th February, 1878.*

The Committee have had under consideration a Report dated 21st February, 1878, from the Honorable the Minister of Justice, upon two Acts passed by the Legislature of British Columbia, in the Session of 1877, which have not yet been reported upon, namely:—Cap. 22: "An Act to provide for the better administration of justice," Cap. 24: "An Act to consolidate the laws relating to the legal professions in this Province," and on the recommendation therein submitted, they advise that Cap. 24 of the said Acts be left to its operation, and with reference to Cap. 22, that the attention of the Lieutenant-Governor be called to the remarks contained in said Report, and that he be asked to request his Government to promote at the present Session of the Legislature the repeal of the section therein alluded to, and that unless the section be repealed before the time for disallowance of the Act expires, the Act be disallowed.

W. A. HIMSWORTH, C.P.C.

GOVERNMENT HOUSE, VICTORIA, B.C., 27th March, 1878.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 2nd instaut, enclosing therewith a copy of an Order of His Excellency the Governor General in Council, and of the Report of the Honorable the Minister of Justice therein referred to, upon two of the Acts passed by the Legislature of this Province in the Session of 1877, viz.: Caps. 22 and 24.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor, B.C.

Honorable R. W. SCOTT, Secretary of State, Ottawa.

OTTAWA, 26th April, 1878.

The Secretary of State will please send the following telegram to the Lieut.-Governor of British Columbia, namely:—

"I am desired to ask what action (if any) has been taken in reference to the objections made to certain provisions of certain Statutes passed by the Legislature last year. Time for disallowance expires 22nd May; please reply first mail."

Z. A. LASH, D.M.J.

GOVERNMENT HOUSE, VICTORIA, B.C., 1st May, 1878.

SIR,—In answer to your telegram of yesterday, I have the honor to inform you that the 27th section of the County Court Act, 1877, has not been repealed as suggested in the Order of Council of His Excellency the Governor General, of the 28th of last February, and forwarded by you in a despatch to me on the 2nd of March last.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor, B.C.

Honorable R. W. SCOTT, Secretary of State, Ottawa.

GOVERNMENT HOUSE, VICTORIA, B.C., 3rd June, 1878.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 20th ultimo, enclosing, for the information of my Government, an Order of His Excellency the Governor General in Council declaring His Excellency's disallowance of the Acts therein enumerated, passed by the Legislature of this Province in the Session of 1877, and in the fortieth year of Her Majesty's Reign.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor, B.C.

Honorable R. W. SCOTT, Secretary of State, Ottawa.

GOVERNMENT HOUSE, VICTORIA, B.C., 24th April, 1878.

SIR,—I have the honor to enclose you herewith, for the information of His Excellency the Governor General of Canada, a certified copy of all the Acts passed at the last Session of the Legislative Assembly of this Province, and to which I assented in Her Majesty's name on the 10th instant.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor, B.C.

Honorable R. W. SCOTT, Secretary of State, Ottawa.

OTTAWA, May 9th, 1879.

*By Telegraph from Matsqui, B.C., to Supt.-General Indian Affairs.*

Mr. Derby the principal in the Dyking Scheme has agreed in writing not to set up any claim under Dyking Act to lands which I may assign to Indians, and therefore beg that Dominion Government will not disallow Act. Provincial Government has done nothing. I therefore submit the above method for adjustment.

J. P. SPROAT.

CUSTOM HOUSE, VICTORIA, 2nd September, 1878.

SIR,—In the report of the proceedings in the House of Assembly on Friday last Mr. Galbraith is stated to have said that the Bill to disfranchise Customs officers and others was brought forward in accordance with the wishes of those persons themselves. As far as the Custom House is concerned, no statement could be more inconsistent with the truth. I have never spoken a word to Mr. Galbraith or to any other member of the House on the subject, nor has any one employed in the Custom House here, and to prevent misunderstanding in a matter that may at some future time be of importance, I shall be glad if you will be so good as to forward this letter, with the Bill, for the consideration of the Canadian Government.

I have the honor to be, Sir, your obedient servant,

W. HAMLEY, Collector of Customs.

His Honor the Lieut.-Governor, &c., &c., &c.

P.S.—I enclose the report to which I have attended.

W. HAMLEY.

GOVERNMENT HOUSE, VICTORIA, B.C., 4th September, 1878.

SIR,—At the request of the Hon. W. O. Hamley, Collector of Customs, I have the honor to enclose you a copy of an "Act to amend the Qualification and Registration of Voters Act, 1876," also a letter from the Hon. W. O. Hamley addressed to me, which he also requested me to forward you for the information of the Dominion Government.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor of British Columbia.

Hon. R. W. SCOTT, Secretary of State, Ottawa.

To His Excellency the Right Honorable Sir FREDERICK TEMPLE, Earl of Dufferin, Viscount and Baron Clandeboye, in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh in the County Down, in the Peerage of Ireland and Baronet, Knight of the Most Illustrious Order of Saint Patrick, and Knight Commander of the Most Honorable Order of the Bath, Governor General of Canada and Vice Admiral of the same:

MAY IT PLEASE YOUR EXCELLENCY:—

We the undersigned residing in Victoria, British Columbia, for ourselves and for others resident in other parts of the Province and holding office under the Govern-

ment of the Dominion of Canada, beg most respectfully to pray that Your Excellency will be graciously pleased to take into consideration, with a view to the relief of your memorialists, the Act recently passed by the Legislature of this Province and assented to by His Honor the Lieutenant-Governor, intituled: "The Qualification and Registration of Voters Act (1876) Amendment Act 1878," upon the following grounds:—

1. That the civil rights of the officers of the Dominion Government in this Province are seriously affected by this Act.

2. That it is arbitrary and unjust, if not unconstitutional for the Provincial Legislature to deprive the officers of the Dominion Government in this Province of the right to vote at the election of members to serve in the Dominion or Provincial Parliaments, and that it is a flagrant outrage upon their common rights as British subjects to make the mere expression of opinion, or intimation of feeling a penal offence punishable by fine or imprisonment.

3. That we were astonished to hear and most emphatically deny the allegation made by the introducer of the Bill in the Legislature (Mr. Galbraith) to the effect that we desired to be deprived of the franchise.

4. That practically manhood suffrage obtains in this Province; that many of us have large landed interests in the country, and have enjoyed and exercised in it, for more than twenty years, the right of voting at elections for members of Parliament, and that we now find ourselves disfranchised by the passage of this Act.

And your memorialists will ever pray:—

R. B. McMICKING, Gen. Supt. Dom. Govt. Telegraphs in British Columbia,

ALEX. C. ANDERSON, Inspector of Fisheries, British Columbia,

R. F. McDONELL, District Store-keeper,

THOS. WESTGARTH, Steamboat Inspector,

And others.

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GOVERNMENT HOUSE, VICTORIA, B.C., September 20th, 1878.

SIR,—I have the honor to enclose you, herewith, for the information of His Excellency the Governor General of Canada, a certified copy of all the Acts passed at the last Session of the Legislative Assembly of this Province, and to which I assented, in Her Majesty's name, on the 2nd instant.

Also, a Report of the Attorney-General of the Province, upon the said Acts, addressed to me and dated 2nd, 8th and 10th of this month.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor of British Columbia.

Hon. R. W. SCOTT, Secretary of State, Ottawa.

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DOWNING STREET, November 29th, 1878.

*Sir M. E. Hicks-Beach to The Marquis of Lorne.*

MY LORD,—I have the honor to transmit to you the accompanying copy of a letter from the Foreign Office, with an enclosure from the Chinese Minister at this Court, respecting a Bill recently passed by the Legislature of British Columbia, subjecting Chinese merchants and labourers, resident in that part of the Dominion, to a poll tax of \$40 per annum.

I shall be glad if Your Lordship will furnish me at your early convenience with a Report upon the steps which have been taken in connection with this Bill, which has not been received at this Department.

The complaint of the Chinese residents appears to have been already brought under the notice of the Dominion Government, and a telegraphic notice appeared in the London papers to the effect, that the Supreme Court of the Province had

declared the Act illegal. I shall be glad to be furnished with any information at your command upon the latter statement.

I have, &c.,

M. E. HICKS-BEACH.

Governor General the Right Honble. the Marquis of LORNE, K.T.G., C.M.G.

FOREIGN OFFICE, 18th November, 1878.

*The Foreign Office to the Colonial Office.*

SIR,—I am directed by the Marquis of Salisbury to transmit to you to be laid before Her Majesty's Secretary of State for the Colonies, the accompanying copy of a letter from the Chinese Minister at this Court, representing that by a Bill recently passed by the Legislature of British Columbia, Chinese merchants and others resident in that Colony are subjected to a poll tax of \$40 per annum, from which they petition to be relieved, and I am to request that in laying this letter before Sir M. Hicks-Beach you will move him to inform Lord Salisbury what reply should be given to Kno Ta Jeus representation.

I am, &c.,

T. V. LISTER.

The Under Secretary of State, Colonial Office.

CHINESE LEGATION, 2nd November, 1878.

*The Chinese Minister to the Marquis of Salisbury.*

MY LORD MARQUIS,—I have the honor to inform Your Lordship that I have just received a joint petition from the merchants and laborers of the Chinese firms Kwang li Tai, Yuan Lung, Sciang Tai Suou Chung, Tai-chang Yuan and Sin Yee of Victoria, British Columbia. The statement and the petition is as follows:—

“We merchants and laborers are the natives of China. We have been for many years in Victoria in the British Dominion of Canada, North America, either as merchants importing and selling goods, or as laborers undertaking manual works. In the spring of this year we heard that the new Legislature would pass a Bill levying an oppressive tax on the Chinese, but thought it was a rumor, and could by no means become a fact; as the English people in China are not taxed in any way, there is no reason why the Chinese people in the British Dominion should be taxed. It was in the sixth month of this year that the rumor became true, and a Bill was passed that every man was to be taxed \$40 a year; but the Governor of Victoria has not yet signed it, therefore, we went in haste to see the authorities of Victoria and requested them not to sign the Bill. The authorities informed us that this was a matter to be decided on by the Governor General of Canada. If no instructions stopping the passing of the Bill were received the Victoria authorities could not do otherwise than to sign it. We immediately laid the matter before the Governor General of Canada by a telegram, and received from His Excellency a reply stating that His Excellency could not decide until examination had been instituted after the receipt of petitions. We at once engaged a lawyer named Si Pa Chin to draw up a petition which was sent to Canada on the fourth of the eighth month, but up to this time no reply has yet been received.

On the 11th day official messengers who came to urge the payment of siiay-yiu were brought to us—the English words for siiay-yiu are tax silver. The official messengers holding tax papers in their hands declared that they received instructions from the high functionaries to collect taxes for the Government, that every man should every year pay a tax of forty dollars which were to be paid quarterly, and that if no tax were paid in accordance with the regulations the official messengers would come in the course of next week to remove their goods and confiscate the



same. The same statement found expression in the newspapers here. At the time we endeavored to put off the payment of the tax, but among the laborers the employers of some have already deducted the taxes of the employed to pay the said tax. If such usage prevails the merchants who make but very slight profit cannot bear the burden of taxation. Indeed, it is very much more unbearable for the poor laborers to be thus taxed; moreover, there are people who are without any employment, for them it is extremely difficult even to get their daily bread. If such persons were equally taxed their position would be intolerable to an extreme degree.

The popular feelings are so excited that serious disturbance is to be apprehended. Considering that it is of very great consequence to the general order of things we lay before Your Excellency our causes of complaints, and beg Your Excellency to protect and secure our interests. We do not aim at any extra favorable treatment from the British Government. What we hope for is that we may be so fortunate as to receive the same kind of treatment as the people of other nations do.

While drawing up this despatch I receive from His Excellency Chin, His Imperial Majesty's Minister to the United States of America, Spain and Peru, a letter acquainting me that the said merchants and laborers sent a similar petition to him, and requesting me to communicate with the British Government, and to request them to exempt the said merchants and others from the above mentioned taxation.

I beg to remark that in the British Colonies the people of different countries are always treated without any partiality whatever. In the case of the merchants of the Chinese firms, Kranz Li Tai, Juan Lwig and others, if there had been found in them anything unsuitable to the colony, the course of proceeding should have been to discuss the merits and demerits of the matter of fact; it is certainly an extremely inexpedient measure to impose such a burdensome tax on every one of them. I am of opinion that the Lieutenant-Governor of British Columbia cannot fail, in consulting with the Secretary of State for the Colonies, to adopt measures prohibitory of such taxation, in accordance with the existing general regulations. I beg to request the Secretary of State for Colonies, through Your Lordship, to cause instructions to be sent to the Lieutenant-Governor of British Columbia directing him to reconsider the case, and order the exemption of the above mentioned tax so as to secure the safety of the interests of the people concerned.

I have, &c.,

KNO-LUNG-TOO.

The Most Noble the Marquis of Salisbury, K.G.

GOVERNMENT HOUSE, VICTORIA, B. C., 3rd September, 1878.

SIR,—I have the honor to enclose you herewith, for the information of His Excellency the Governor General of Canada, a copy of "An Act to provide for the better collection of Provincial taxes from Chinese," to which I yesterday assented in Her Majesty's name.

I beg to inform you that I shall forward in due course copies of all Acts passed at the late Session with the usual Report, and only forward the enclosed copy in advance as the question involved in it is one of importance.

I have, &c.,

A. N. RICHARDS,

Lieutenant-Governor of British Columbia.

Hon. R. W. SCOTT, Secretary of State, Ottawa.

OTTAWA, 18th September, 1878.

*By Telegraph from Victoria, B.C., to Hon. R. W. Scott.*

Government enforcing Chinese Tax Bill. Petitioners pray early consideration of petition. Many signers already made.

A. R. ROBERTSON.

BRITISH COLUMBIA, VICTORIA, 30th August, 1878.

SIR,—I have the honor to forward herewith for the consideration of His Excellency the Governor General, a petition from several Chinese firms in this city with respect to the Bill recently passed by the Legislative Assembly of British Columbia imposing a special tax on the Chinese of this Province.

I have, &c.,

A. ROCKE ROBERTSON.

Hon. R. W. SCOTT, Secretary of State, Ottawa.

*To His Excellency the Governor General of the Dominion of Canada.*

The petition of the undersigned Chinese merchants residing in the City of Victoria, in the Province of British Columbia, in the Dominion of Canada:

HUMBLY SHOWETH:—

1. That your petitioners are doing business in the City of Victoria aforesaid.
2. That the annexed Bill intituled: "An Act to provide for the better collection of Provincial taxes from Chinese" passed its third reading in the Legislative Assembly of British Columbia on the ninth day of August, A.D. 1878.
3. Your petitioners are informed and believe that the said Legislative Assembly will be prorogued in the course of the present week when the said Act will be assented to and become binding on your petitioners and their fellow countrymen in British Columbia.

Your petitioners humbly represent for Your Excellency's consideration the following facts, namely:—

There are many Chinese mercantile houses in British Columbia which have been established in British Columbia for upwards of fifteen years, and during that period the said houses have contributed large amounts to the public revenue.

Under the laws now in force in British Columbia, all Chinamen residing in the said Province above eighteen years of age are compelled to pay a road tax and a school tax equal to the amounts paid by other residents of the Province, and are in all other respects taxed in the same way by both the Provincial and Municipal Governments, as other residents are taxed. The said school tax and road tax for the present year have been already largely collected from the Chinese in the said Province.

Although the Act referred to in the several paragraphs of this petition does away with the application of the "Assessment Act 1876" and of the "School tax Act 1876" to Chinese it substitutes a tax which is much more oppressive inasmuch as:—

1. It is payable by children above twelve years of age.
2. It is a large and arbitrary amount payable by poor and rich alike and not based upon property or income.
3. It applies to Chinese alone many of whom are British subjects.

Your petitioners humbly submit that such a tax is inconsistent with, and repugnant to, the treaties existing between Her Majesty the Queen and the Emperor of China.

Your petitioners humbly pray that Your Excellency will be pleased to disallow the said Act.

SINZ LEE CHAM.  
WING CHONG & Co.  
WO CHIN & Co.  
TAI LOONG & Co.  
KWONG KONG SING.  
HIE LEE.  
TAI YUM.  
DONG SONG & CO.  
TAY CHONG YUEN.  
KONG LEE & CO.

OTTAWA, 19th August, 1878.

*By Telegraph from Victoria, B.C., to the Secretary of State.*

Legislature has imposed poll tax forty dollars on all Chinamen in Province. Tax not payable by other foreigners. Believed to be unconstitutional. Chinese merchants here pray that the Lieutenant-Governor be instructed to withhold assent, and reserve Bill for consideration of Governor General. Petition, &c., will be forwarded.

A. R. ROBERTSON.

*To His Excellency the Earl of Dufferin, K.P., K.C.B., Governor General of Canada, &c., Ottawa.*

The Memorial of the undersigned proprietors of establishments for the canning of salmon on the Fraser River in the vicinity of New Westminster, B.C.:

HUMBLY SHOWETH:—

That your Memorialists respectfully request that Your Excellency will be pleased to disallow "The Chinese Tax Act, 1878," recently passed by the Legislative Assembly of British Columbia, for the following reasons:—

1. We believe the said Act to be at variance with the British Constitution, in this, that it imposes a tax upon persons simply on account of nationality; that it conflicts with existing treaties, made by the Imperial Government, and that in many instances it would tax persons who are British subjects simply because they are Chinese.

2. We believe that it is impolitic in that it will destroy many industries, which are now being established, and are yet in their infancy, amongst them is the canning of salmon. Chinese labor is, at present, the only labor available for the prosecution of this business. The short period of time during which the fish run (frequently but one month out of the year) prevents other classes of laborers from seeking employment in the canneries, except in the procuring of fish which is entirely done by white men and Indians. Frequently the whole amount of money earned in a season by a Chinaman is less than the annual tax demanded by this Act. Should the Act be enforced it will virtually compell all the canneries on the Fraser River to close, and absolutely ruin those who have invested their capital in the business.

3. We respectfully submit that this Act is opposed to natural justice and common sense in demanding, as it does, from the employer a penalty for the fault committed by the employee, thus introducing a new and vicious principle into English law, whereby an innocent man, against his will, is made answerable for the fault of a wrong-doer.

4. The number of Chinese who are now in this Colony is not so great as to interfere with white men, or to crowd them out of employment. On the contrary, the fact that Chinamen can be obtained for canneries gives room for over fifteen hundred whites and Indians, who are engaged in fishing, and who would be at once thrown out of employment if the canneries should be forced to close.

5. The popular cry against Chinese proceeds from a class who have nothing at stake in the country, and we believe is not in accordance with the opinions of the most intelligent and better class of our population.

Your Memorialists, therefore, pray that for these various reasons Your Excellency will be graciously pleased to withhold Your Excellency's assent from and disallow the said Act, and Your Memorialists as in duty bound will ever pray.

A. HOLBROOK, Chairman,  
KING & Co.,  
LANE, PIKE & NELSON,  
DELTA CANNING Co.,  
FINDLAY, DURHAM & BRODIE,  
ENGLISH & Co.,  
EWEN & WISE,  
BRITISH COLUMBIA PACKING Co.,  
R. J. FINLAYSON, Jun.

6th September, 1868.

GOVERNMENT HOUSE, VICTORIA, B.C., 17th June, 1879.

SIR,—I have the honor to enclose you herewith, for the information of His Excellency the Governor General of Canada, a certified copy of all the Acts passed at the last Session of the Legislative Assembly of this Province, and to which I assented in Her Majesty's name.

I beg also to enclose a Report from the Attorney-General of this Province, addressed to myself, on all the Chapters of the said Acts except the "Judicature Act, Cap. 12."

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut. Governor, B.C.

The Honorable the Secretary of State, Ottawa.

VICTORIA, B.C., 11th November, 1879.

The undersigned, to whom has been referred a copy of a Petition forwarded by Mr. E. L. Derby to His Excellency the Governor General, praying that "An Act respecting the Sumass Dyking Act, 1878," should be disallowed, has the honor to make the following Report upon the statements contained in the Petition.

The above mentioned Act was passed by the Legislative Assembly in 1879, without a division, and with the support and unqualified approbation of the Members of the City and District of New Westminster, whose constituents were and are most immediately and deeply interested in Mr. Derby's success.

The scheme of reclaiming and dyking the inundated lands of New Westminster District was first practically considered by the Government of 1876, when they spent \$900 on surveys and plans of the work. No portion of this outlay has ever been charged to or claimed from Mr. Derby, although he reaped the advantage of it. Subsequently, Mr. Derby applied for a charter for the work, alleging that he had the means to carry out the project. Further surveys were made and elaborate plans prepared at his request and on his behalf under the supervision of the Lands and Works Department, Mr. Derby having first agreed to pay for them. This agreement is embodied in Section 36 of Mr. Derby's Act of 1878, and has not been changed. The amending Act of 1879 simply gives the Government more specific powers for collecting the money as Mr. Derby had repeatedly endeavored to evade its payment.

Both the late and present Governments, as well as the Committee on Private Bills, were united in opinion upon Mr. Derby's liability. The question is, however, now set at rest as Mr. Derby paid the amount in dispute some weeks ago.

The further provisions in the Act of 1879, which confer upon the Lieut. Governor in Council the power of cancelling Mr. Derby's Charter in the event of his neglecting or refusing to comply with its conditions, do not differ from the provisions of Section 34 of the Act 1878. It will be seen that under this section it is enacted that, on failure of Mr. Derby to carry out the agreement contained in the Act (of 1878), the Lieut. Governor in Council may cancel it and transfer all of Mr. Derby's privileges to any other person with a view of securing the completion of the works.

The principal conditions of the agreement are set forth in Sections 11, 12 and 13 of this Act, whereby Mr. Derby agreed to effectually dyke certain lands mentioned according to plans approved of by the Government, and to perform the work, as appears in the last sentence of Section 13, under the supervision of the Lands and Works Department, or its Engineer, whose expenses were and are to be paid by Mr. Derby. (Vide Sec. 36.)

Soon after the commencement of the work by Mr. Derby complaints of delay, neglect and defiance of the orders of the Superintending Engineer, were frequently made against him by the settlers interested in the scheme, and by the Engineer himself. Annexed are extracts from some of the numerous letters and reports of the latter which will show the extent, and in some cases, the disastrous result of Mr. Derby's mismanagement, as well as the almost habitual disregard with which he treated the Engineer's directions and the orders of the Lands and Works Department. Ample

reasons for the cancellation of the charter were from time to time placed before the Government, but consideration for those who had been induced by Mr. Derby to invest their means in the enterprise influenced the Chief Commissioner against recommending such a step.

As a milder and more lenient alternative, the Act of 1879 was submitted to, and unanimously approved of by the House, in order that Mr. Derby might clearly understand the duties he had undertaken to perform. The only real difference between the two Acts is, that by the first the Government are invested with the power of cancelling Mr. Derby's charter and transferring its privileges to others; while by the second they are entitled to cancel and take the benefit of the charter themselves. Such a difference could not possibly affect Mr. Derby in the event of his loss of the charter, and can therefore form no ground of complaint on his part.

It may be further observed that at the present time Mr. Derby has, owing to his own negligence as the Superintending Engineer states, been obliged to apply for an extension of the period fixed, viz: July 1880, for the completion of his work.

Since the passing of the Act of 1879, more diligence and earnestness have been shewn in the prosecution of the work; and it may be remarked that had the work received during 1878 anything approaching the same attention as it now receives the Legislature would not in all probability have been moved to interfere in the matter. The Act complained of will directly benefit the Dominion Government as any vacant or reclaimed Crown lands within the proposed lines of dykes become their property as part of the Canadian Pacific Railway belt. The only interest the Province now has in the scheme is to see on behalf of the settlers in the Dyking district, that Mr. Derby carries out his agreement in good faith.

The Statement made in Mr. Derby's Petition that the Act of 1879 imposes new burdens is manifestly incorrect and is refuted by the Act itself.

The undersigned therefore recommends that His Excellency the Governor General be respectfully moved to refuse the prayer of Mr. Derby's Petition and allow the Act of 1879 to take its course.

GEO. A. WALKEM, Chief Comr., and Attorney General.

GOVERNMENT HOUSE, VICTORIA, B.C, 3rd July, 1879.

I have the honor to enclose to you herewith a petition addressed to His Excellency the Governor General in Council, by Mr. E. L. Derby, and which I have been requested to forward.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor of British Columbia.

Hon. J. C. AIKINS, Secretary of State, Ottawa.

DEPARTMENT OF JUSTICE, OTTAWA, 8th September, 1879.

Upon the reference from the Department of the Secretary of State, with petition of E. L. Derby, for disallowance of an Act of the British Columbia Legislature, respecting the "Sumass Dyking Act, 1878," I recommend that a copy of such petition be sent to the Government of the Province, and that they be asked to make such remarks in reply thereto as may be thought proper.

Z. A. LASH, D.M.J.

*To His Excellency the Most Noble the Marquis of Lorne, Governor General of Canada, in Council Assembled.*

The Humble Petition of Ellis Luther Derby, of Riverside, British Columbia,—  
SHEWETH:—

That your petitioner, in 1878, obtained the passage of an Act through the House of Assembly of British Columbia, intitled: "An Act for dyking and reclaiming certain lands at Chiliwhack, Sumass and Matsqui."

By that Act certain dyking works were to be carried out and the costs of preparing plans and specifications, in pursuance of the said Act, were to be paid by your petitioner.

The said Act was brought in as a private Act and all expenses connected therewith were paid by your petitioner, in pursuance of the Standing Orders of the House of Assembly of British Columbia.

Your petitioner immediately, on the passage of the said Act, commenced work, and has expended a large amount of money in carrying out the object and intention of the said Act.

On the 29th day of April, 1879, an Act was passed by the Legislative Assembly, without any intimation or notice to your petitioner, intituled: "An Act respecting the Sumass Dyking Act, 1878."

By this Act, under section 1, your petitioner is compelled to pay additional costs of survey over those contemplated by him, when he first undertook the work, and by the 3rd section, in the event of your petitioner failing or refusing to refund the costs of surveys or to carry out the instructions of the Chief Commissioner in the construction of the dyking works, the Governor in Council shall have power to confiscate the whole of the works.

The Government of British Columbia now claim from your petitioner, under the provisions of the last mentioned Act, certain expenses incurred by the Government prior to the plans and specifications referred to in the first mentioned Act, and the Government further claim the right to impose burdens on your petitioner, never contemplated by him, when he commenced the said works.

Your petitioner, therefore, prays Your Excellency, that assent may be refused to the said Act.

And your petitioner will ever pray.

ELLIS LUTHER DERBY.

GOVERNMENT HOUSE, VICTORIA, November 19th, 1879.

SIR,—Referring to a despatch from the Under Secretary of State, No. 2,218 on 1,304, of the 10th September last, enclosing a copy of a petition from Mr. E. L. Derby, addressed to His Excellency the Governor General, praying for the disallowance of the "Sumass Dyking Act, 1878," I have now the honor to enclose, according to the request put forth in the said despatch, a copy of a Minute of my Executive Council, together with other documents therein referred to, by which it will be seen that my Executive Council respectfully request that the said Act may be allowed to take its course, and that the prayer of Mr. Derby's petition be refused.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieut.-Governor of British Columbia.

Hon. F. C. AIKINS, Secretary of State, Ottawa.

*Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor, on the eleventh day of November, 1879.*

The Committee of Council having considered the statements contained in the petition of Mr. E. L. Derby to His Excellency the Governor General, praying that "An Act respecting the Sumass Dyking Act, 1878" should be disallowed, and the memorandum thereupon of the Hon. the Chief Commissioner of Lands and Works, dated the eleventh day of November, advise approval of the recommendation of that Minister, that His Excellency the Governor General be respectfully moved to refuse the prayer of Mr. Derby's petition and allow the said Act to take its course.

The Committee further advise that a copy of this minute (if approved) together with copies of the Minister's memorandum and annexed documents be forwarded to the Hon. the Secretary of State.

J. M. HUMPHREYS, Clerk Executive Council.

*COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 1st August, 1879.*

The Committee have had before them a Report, dated 2nd July, 1879, from the Hon. the Minister of Justice, upon eighteen Acts passed by the Legislature of the Province of British Columbia during the Session held in the Spring of 1878, the titles of which are mentioned in said Report, and they concur in the recommendation that the said Acts be left to their operation.

W. A. HIMSWORTH, C.P.C.

The Honorable the Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B. C., 20th September, 1879.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 1st instant enclosing, for the information of my Government, copies of two Orders in Council dated 22nd ultimo, the one disallowing an Act of the Legislature of this Province passed on the 2nd day of September, 1878, Cap. 35, intituled: "An Act to provide for the better collection of Provincial taxes from Chinese, and the other disallowing an Act Cap. 25 passed on the same day, intituled: "An Act relating to the Crown Lands in British Columbia."

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieutenant-Governor of British Columbia  
Hon. J. C. AIKINS, Secretary of State for Canada, Ottawa.

GOVERNMENT HOUSE, OTTAWA, Thursday, 2nd day of October, 1879.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor, of the Province of British Columbia, with the Legislative Assembly of that Province, did on the 2nd day of September, 1878, pass an Act which has been transmitted, entitled as follows, viz.: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876;"

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature of the Province of British Columbia to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. A. HIMSWORTH, C.P.C.

I, Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of British Columbia, the 2nd day of September, 1878, intituled: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876," was received by me on the 5th day of October, A.D., 1878.

Given under my Hand and Seal this second day of October, 1879.

LORNE.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 2nd October, 1879.

On the recommendation of the Honorable the Minister of Justice, and for the reasons set forth in his Report, dated 24th September, 1879, the Committee advise that the Act passed by the Legislature of the Province of British Columbia, in the year 1878, intituled: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876," be disallowed, and that a copy of this minute when approved and of the Reports of the Minister of Justice, above alluded to, be transmitted to the Lieutenant-Governor of British Columbia.

W. A. HILMSWORTH, C.P.C.

DEPARTMENT OF SECRETARY STATE, 8th October, 1879.

SIR,—I am directed to transmit to you herewith, for the information of your Government, copy of an Order in Council, dated 2nd instant, disallowing an Act of the Legislature of British Columbia, passed on 2nd September, 1878, entitled: "An Act to amend the Cariboo Road Tolls Act, 1876," and also to transmit to you copy of a second Order in Council, dated 2nd instant, on the subject above alluded to, and of the Report of the Minister of Justice referred to in the latter Order in Council.

I have, &c.,

EDOUARD J. LANGEVIN, U.S.S.

His Hon. the Lieutenant-Governor of British Columbia, Victoria.

5th November, 1879.

SIR,—I have the honor to transmit to you, herewith, for the information of your Government, a copy of an Order in Council, dated 28th instant, together with a copy of the Report of the Honorable the Minister of Justice, therein referred to, upon certain Acts passed by the Legislature of the Province of British Columbia in the year 1878 (42 Vic.), and assented to in the month of September in that year, disallowing two of the Acts therein specified, the other Acts reported on being left to their operation, and to call the attention of your Government to the remarks and to the case submitted in said Report.

I have, &c.,

J. C. AIKINS, S.S.

His Honor the Lieutenant-Governor of British Columbia, Victoria.

GOVERNMENT HOUSE, VICTORIA, B.C., 18th October, 1879.

SIR,—I have the honor to acknowledge the receipt of a despatch from the Under Secretary of State for Canada of the 8th instant transmitting, for the information of my Government, copy of an Order of His Excellency the Governor General in Council, dated 2nd instant, disallowing an Act passed by the Legislative Assembly of this Province, of the 2nd September, 1878, intituled: "An Act to amend the Cariboo Waggon Road Tolls Act, 1876;" as well as a second Order in Council on the same subject, and a Report of the Minister of Justice, referred to in the latter Order in Council.

I have further the honor to inform you that I have caused a copy of the despatch and enclosures to be laid before my Ministers.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieutenant-Governor of British Columbia.

Hon. the Secretary of State, Ottawa.



GOVERNMENT HOUSE, VICTORIA, B.C., 29th November, 1879.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 5th instant, enclosing a copy of an Order in Council dated 28th ultimo, together with a report of the Honorable the Minister of Justice, therein referred to, upon certain Acts passed by the Legislature of this Province, and assented to in September, 1878, disallowing two of the Acts therein specified, the other Acts reported on being left to their operation, and calling the attention of my Government to the remarks, and to the case submitted in said Report.

I have further the honor to inform you that I have caused a copy of the said despatch and enclosures to be referred to my Executive Council for their consideration.

I have the honor to be, Sir, your obedient servant,

A. N. RICHARDS, Lieutenant Governor of British Columbia.

The Hon. the Secretary of State, Ottawa.

*COPY of a Report of a Committee of the Honorable the Privy Council for Canada, approved by His Excellency the Governor General, on the 28th day of October, 1879.*

On a Report, hereunto annexed, dated 15th August, 1879, from the Honorable the Minister of Justice upon certain Acts passed by the Legislature of the Province of British Columbia, in the year 1878 (42 Vic.), and assented to in the month of September in that year;

The Committee concur in in the said Report and accordingly recommend that the Act Cap. 25 intituled: "An Act relating to the Crown Lands in British Columbia," and the Act Cap. 35, intituled: "An Act to provide for the better collection of Provincial taxes from Chinese," be disallowed. That the other Acts reported on be left to their operation, and that the attention of the Government of British Columbia be called to the remarks and to the case submitted in said Report.

J. O. COTÉ, Assistant Clerk.

*COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 15th May, 1880.*

On a Report, dated 8th May, 1880, from the Hon. the Minister of Justice, upon two Acts passed by the Legislature of the Province of British Columbia in the year 1879, received by the Hon. the Secretary of State on the 2nd day of July, 1879, as follows:—

Cap. 12.—"An Act to amend the practice and procedure of the Supreme Court of British Columbia, and for other purposes relating to the better administration of justice."

Cap. 13.—"Judicial District Act, 1879."

On the recommendation of the Minister of Justice, the Committee advise that the above two Acts be left to their operation.

J. O. COTÉ, C.P.C.

The Hon. Secretary of State, Ottawa.

*COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 15th May, 1880.*

On a Report, dated 8th May, 1880, from the Hon. the Minister of Justice, upon the Statutes passed by the Legislature of the Province of British Columbia in the year 1879, received by the Hon. the Secretary of State on the 2nd day of July, 1879,

The Committee advise that the Statutes mentioned in said Report be left to their operation, as therein recommended.

J. O. COTÉ, C.P.C.

The Hon. Secretary of State, Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 30th June, 1880.

On a Report, dated 23rd June, 1880, from the Hon. the Minister of Justice, upon three Acts of the Legislature of the Province of British Columbia, reserved in his last Report, namely:—

Cap. 3.—“ An Act to protect Winter Stock Ranges.”

Cap. 15.—“ An Act respecting the Sumass Dyking Act, 1878.”

Cap. 23.—“ An Act to amend the License Ordinance, 1867.”

For the reasons stated in his Report the Minister recommends that the three Acts above alluded to be left to their operation, and the Committee submit his recommendation for Your Excellency's approval.

J. O. COTÉ, C.P.C.

The Hon. Secretary of State, Ottawa.

## RETURN

(141b)

To an ADDRESS of the SENATE, dated 17th February;—For Copies of all Correspondence, Petitions, Reports and Orders in Council, relating to Acts of Provincial Legislatures passed since the 1st day of January, 1880, or Bills of Provincial Legislatures reserved for the signification of His Excellency's pleasure thereon since that date, not already asked for by Address or Order of this House.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
4th April, 1882.

STATEMENT of Provincial Acts disallowed, excepting the “ Rivers and Streams Act” of Ontario, and the “ Winnipeg and South Eastern Railway of Manitoba,” which form respectively the subject of separate returns. Also, Statements of Reserved Bills not assented to, or allowed.

### PROVINCIAL ACTS DISALLOWED.

#### ONTARIO.

32 Victoria, 1869.

Cap. 3.—“ An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers.”

Sec. 18, is beyond the power of the Legislature. 4th December, 1869.

Cap. 1.—“ The Supply Bill of 1869.”

Judges should not receive pay from any source but the power which appoints them. 22nd January, 1870.

## 37 Victoria, 1874.

- Cap. 8.—“An Act to amend the Law respecting Escheats and Forfeitures.” Escheat is a matter of prerogative not vested by the British North America Act in a Provincial Government or Legislature. Order in Council, 1st April, 1875.

## 42 Victoria, 1879.

- Cap. 19.—“An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.” Encroaches too much upon Dominion Jurisdiction. Order in Council, 22nd March, 1880.

## QUEBEC.

## 32 Victoria, 1869.

- Cap. 4.—“An Act to define the privileges, immunities and powers of the Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary Papers.” Sec. 18, is in excess of the power of the Provincial Legislature. See remarks upon a similar Act of Ontario. 4th December, 1869.

## 38 Victoria, 1874-75.

- Cap. 47.—“An Act to incorporate the St. Lawrence Bridge Company.” In view of a possible interference with navigation disallowance was recommended. Order in Council, 25th October, 1876.

## NOVA SCOTIA.

## 31 Victoria, 1868.

- Cap. 21.—“An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to the Halifax Industrial School.” Deals with Criminal Law and is clearly *ultra vires*. Proclamation 4th December, 1869.

## 34 Victoria, 1871.

- Cap. 32.—“An Act to regulate Pilotage in the Bras d'Or Lake, in the Island of Cape Breton.” The Provincial Legislature has no power to regulate the fees of pilots. Proclamation, 23rd December, 1871.

## 37 Victoria, 1874.

- Cap. 74.—“An Act to incorporate the Halifax Company, Limited.” Sec. 1, Sub-secs. 6, 7, 9, 10, 15, 16, 17 and 18 confer various powers beyond the jurisdiction of the Local Legislature, disallowance recommended. 12th Dec. 1874.
- Cap. 82.—“An Act to incorporate the Eastern Steamships Company.” No limit to the operations of the Company. 31st March, 1875.
- Cap. 83.—“An Act to incorporate the Anglo-French Steamship Company.” No limit to the operations of the Company. 12th December, 1874.

## MANITOBA.

## 36 Victoria, 1873.

Cap. 2.—“An Act to define the privileges, immunities and powers of the Legislative Council and of the Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional Papers.” This Bill was a transcript of the Act of Ontario, of 1868, considered by the Law Officers of the Crown in England to be *ultra vires*, and accordingly disallowed. The Legislatures of Quebec and British Columbia fell into the same error. 7th September, 1874.

Cap. 32.—“An Act to incorporate the Winnipeg Board of Trade.” This is a subject for the Parliament of Canada, which has made provision for such incorporations. Order in Council, 7th September, 1874.

## 38 Victoria, 1875.

Cap. 12.—“An Act to regulate proceedings against and by the Crown.” A somewhat similar Act of Ontario of 1872, was left to its operation with the recommendation that a short Act be passed removing the doubt expressed that it was not limited to the Crown in Ontario; but that Province did not act upon that suggestion. In this case it was thought better to disallow and leave the Legislature free to pass another Act confined to proceedings against the Crown in matters affecting the Crown in Manitoba. Order in Council, 6th June, 1876.

Cap. 18.—“An Act respecting Estreats, Fines, and Penalties and Forfeitures.” This Act deals with matters beyond the competency of the Local Legislature. Order in Council, 16th August, 1876.

Cap. 33.—“An Act to afford facilities for the construction of a Bridge over the Assiniboine River, between the City of Winnipeg and St. Boniface West.” In view of the project entertained of making the Assiniboine a channel for reaching Manitoba Lake and the Saskatchewan River, it was thought advisable to disallow this Act. Order in Council, 7th October, 1877.

Cap. 37.—“An Act to amend Cap. 46, 37 Vic., intituled: ‘The Half-Breed Land Grant Protection Act.’” This Act modifies the provisions of the former one in some material particulars, but not to the advantage of the half-breeds, —also, the original Act afforded all necessary protection to the purchaser of Half-Breed Land Rights. Order in Council, 7th October, 1877.

## BRITISH COLUMBIA.

## 36 Victoria, 1873.

Cap. 2.—“An Act to authorize one Justice of the Peace to do any act, matter or thing, heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions.” This is legislation respecting the law of criminal procedure and therefore *ultra vires*. Order in Council, 13th March, 1874.

## 37 Victoria, 1874.

- No. 2.—“An Act to amend and consolidate the laws affecting Crown Lands in British Columbia.” The objections to this Act are briefly that it completely ignores the Indian title to the Crown Lands which has never been extinguished, makes no special reservations for the Indians, and does not reserve any lands for the Pacific Railway. Order in Council, 16th March, 1875.
- No. 9.—“An Act to make provision for the better Administration of Justice.” Considered that the provision authorizing the Lieut.-Governor to appoint the place at which County Court Judges shall reside from time to time, was practically assuming the power of appointment. Order in Council, 16th March, 1875.

## 38 Victoria 1875.

- No. 6.—“An Act to make provision for the better Administration of Justice.” This Act empowers the Lieut.-Governor in Council to divide the Province into as many districts as he may think fit, and to define the boundaries thereof. Considered better to effect this by legislation. Order in Council, 5th May, 1876.

## 40 Victoria 1877.

- Cap. 32.—“An Act to incorporate the Alexandra Company. (Limited.)” Sec. 18 empowers the Company to carry on business out of the Province. Order in Council, 16th May, 1878.
- Cap. 33.—“An Act to incorporate the British Columbia Insurance Company. (Limited.)” Sec. 18 empowers the Company to carry on business out of the Province. Order in Council, 16th May, 1878.
- Cap. 22.—“An Act to provide for the better Administration of Justice.” Sec. 27 deals with the question of retiring allowances of Judges, a matter for the Dominion Government. Order in Council, 16th May, 1878.

## 42 Victoria, 1878.

- Cap. 25.—“An Act relating to the Crown Lands in British Columbia.” The imposition of 24 per cent. interest on monies due in respect of purchases, leases or charters is an interference with the subject of interest. Order in Council, 22nd August, 1879.
- Cap. 35.—“An Act to provide for the better Collection of Provincial Taxes from Chinese.” The Supreme Court of British Columbia declared this Act unconstitutional. Order in Council, 22nd August, 1879.
- Cap. 37.—“An Act to Amend the Cariboo Waggon Road Tolls Act, 1876.” The reasons for recommending disallowance were:  
 (1.) Interference with the regulation of trade and commerce; and  
 (2.) The possible imposition of unfair charges upon the Dominion Exchequer. Order in Council, 2nd October, 1879.

## 43 Victoria, 1880.

- Cap. 28.—“An Act to Amend the Cariboo Waggon Road Tolls Act, 1876.” This is precisely the same as the Act of 1878, which was disallowed. Order in Council, 29th July, 1881.
- Cap. 29.—“An Act respecting Tolls on the Cariboo Waggon Road.” The reasons for disallowing Chap. 28 apply also to this Act. Order in Council, 29th July, 1881.

## RESERVED BILLS NOT ASSENTED TO.

## ONTARIO.

- “An Act to incorporate the Loyal Orange Association of Western Ontario,” and “An Act to incorporate the loyal Orange Association of Eastern Ontario.” These Bills were considered to be within the jurisdiction of the Legislature, and should not have been reserved.

## QUEBEC.

- “An Act to incorporate the St. Louis Hydraulic Company.” The erection of the proposed dam would interfere with navigation, this Bill was therefore not assented to. Order in Council, 13th January, 1869.

## NOVA SCOTIA.

- “An Act to amend Cap. 16, of the Acts of 1865, intituled: ‘An Act in reference to the Militia.’” Had this Bill passed it would have been disallowed. It was simply allowed to lapse at the end of the year without remark.
- “An Act to incorporate the Nova Scotia District Branch of the Independent Order of Odd Fellows.” Deals with Criminal Law and repeals part of the Criminal Law. Order in Council, 25th June, 1879.

## NEW BRUNSWICK.

- “An Act in addition to and in amendment of Cap. 60, Title VIII, of the Revised Statutes of Harbors.” Considered beyond the jurisdiction of the Legislature. Order in Council, 6th April, 1870.

## PRINCE EDWARD ISLAND.

- Cap. 3.—“The Land Purchase Act, 1874.” Does not provide for an impartial arbitration. Order in Council, 26th December, 1874.
- “An Act to amend the Land Purchase Act, 1875.” This Bill was retrospective in its effect dealing with the rights of parties then in litigation under the Act proposed to amend, or which might fairly have formed the subject of litigation, and there was no provision saving the rights of persons whose properties had been dealt with under the Act of 1875. Order in Council, 21st July 1876.

## MANITOBA.

- Cap. 44.**—"An Act to empower the Lieut. Governor in Council to authorize the construction of Railways in this Province." This Bill is objectionable as giving too much power to the Lieut. Governor in Council, and also in view of the proposed trans-continental Railway. Order in Council, 29th November, 1871.
- Cap. 45.**—"An Act to authorize the construction of a Telegraph Line in this Province." The power to connect with an existing line in the United States should have been obtained from the Dominion Parliament. The objection to the previous Act in view of the proposed Railway is also applicable to this Act. Order in Council, 29th November, 1871.
- Cap. 46.**—"An Act to incorporate the Western Railway of Manitoba." Might interfere with the line of the proposed Inter-oceanic Railway. Order in Council, 29th November, 1871.
- Cap. 47.**—"An Act to incorporate 'The Red River Bridge Company of Manitoba and to authorize the construction of a Bridge across the Red River at a point opposite or near Fort Garry, and to levy tolls on said Bridge.'" Would interfere with the navigation of the Red River. Order in Council, 29th November, 1871.
- "An Act to incorporate the Manitoba Central Railway Company." Considered best to postpone incorporating a Company which might rival or obstruct the proposed trans-continental line. Order in Council, 30th December, 1872.
- "An Act to incorporate the Red River Navigation Company." This Bill was considered within the competence of the Legislature, but the provision making the shareholders also partners was held to be contrary to the first principles which govern the incorporation of Companies. Order in Council, 30th December, 1872.
- "An Act to constitute and incorporate the Law Society of Manitoba." Considered premature and also might limit the choice of judges. The power to regulate fees is also objectionable. Order in Council, 30th December, 1872.
- "An Act respecting Land Surveyors." Considered premature to create such a monopoly, as more and better men would be wanted. Order in Council, 30th December, 1872.
- "An Act to amend the Act 35th Vic., Cap. 20, for the prevention of prairie fires, and for other purposes." Considered that it might seriously interfere with the survey of the Public Lands. This Bill was allowed to expire.

## 38 Victoria, 1875.

- "An Act respecting Land Surveyors and the survey of lands in Manitoba." A similar Bill of a previous Session was considered premature and the same objection applies to this. Order in Council, 7th February, 1876.
- "An Act to incorporate the Manitoba Investment Association (Limited)." Similar legislation in other Provinces having been left to its operation, this Bill, had it passed, would not have been disallowed. The power of borrowing money is unlimited, but Cap. 35 of the Ontario Acts of 1874, gives equally unlimited power to companies incorporated under it. Order in Council, 25th October, 1876.

## BRITISH COLUMBIA.

- "An Act to amend the Military and Naval Settlers Act, 1863." It was thought that the operation of this Act would be in conflict with the 14th section of the terms of Union of British Columbia and Canada. Order in Council, 30th September, 1872.
- "An Act to impose a Wild Land Tax." Objected that this would authorize the imposition of a tax of 4 cents an acre on any wild lands granted to a Company for the building of a trans-continental Railway and render them valueless. Order in Council, 12th October, 1872.
- Cap. 35.—"An Act to amend the Gold Mining Amendment Act, 1872." This Act would give the Mining Court greater jurisdiction than the County Court in the Districts of Kootenay and Cassiar. A danger pointed out with reference to Cap. 14. Order in Council, 12th October, 1877.

## RESERVED BILLS ASSENTED TO.

## NOVA SCOTIA.

- "An Act to facilitate arrangements between Railway Companies and their creditors." 12th December, 1874.

## NEW BRUNSWICK.

- Cap. 92.—"An Act relating to the appointment of Justices of the Peace in the several counties in this Province." 4th December, 1869.
- Cap. 93.—"An Act relating to Marriage Licenses." 23rd April, 1870.
- "A Bill relating to the Synod of the Church of England, in the Diocese of Fredericton and Province of New Brunswick." Order in Council, 7th June, 1871.
- Cap. 61.—"To incorporate the Maduxnik Boom Company." 29th May, 1874.



## PRINCE EDWARD ISLAND.

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|--|---------------------------------------|
| “ The Land Purchase Act, 1875.”  | Order in Council, 14th June, 1875.    |
| “ An Act to vest a certain portion of Government House Farm in the City of Charlottetown, for certain purposes therein mentioned.” | Order in Council, 8th December, 1876. |
| “ An Act to repeal certain Acts relating to the Church of England in this Province, and to make provisions in lieu thereof.”       | Order in Council, 14th April, 1879.   |

## MANITOBA.

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|---|--|
| Cap. 42.—“ An Act to impose a Tax on Wild Land.”                | Order in Council, 27th February, 1874. |
| Cap. 43.—“ An Act respecting Aliens.”                           | Order in Council, 27th February, 1874. |
| The Half-breed Land Grant Protection Act.”                      | Order in Council, 27th February, 1874. |
| An Act to incorporate the Eastern Railway Company of Manitoba.” | Order in Council, 27th February, 1874. |

## BRITISH COLUMBIA.

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| No. 37.—“ An Act to amend the qualification and registration of Voters’ Act, 1871.” | Order in Council, 30th September, 1872. |
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## REPORT

(142)

Of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General on the 8th April, 1880, respecting a Memorandum, dated 20th March, 1880, of the Delegates of the Province of Manitoba, appointed to confer with the Privy Council in relation to the erection of Public Buildings, etc.

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## RETURN

(143)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For Copies of Circulars and Instructions issued to the Health Officers at the Ports of Halifax and St. John, N.B., in regard to Vessels arriving at those Ports having contagious diseases on board.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
3rd April, 1882.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Report and Return are not printed.]*

# REPORT

ON

## TORONTO HARBOUR, ONTARIO

BY

JAMES B. EADS, C.E.

1882

### REPORT UPON THE HARBOUR OF TORONTO.

Hon. Sir H. L. LANGEVIN, C.B., K.C.M.G.,  
Minister of Public Works, Canada.

SIR,—I have the honor to submit the following Report upon the Harbour of Toronto.

Before making a personal inspection of the harbour, I expressed the wish that I should be furnished with such information relating to it as would be useful in a study of the questions upon which my advice was desired. In response to this request I have received a compilation of the available records touching the Harbour, entitled: "Memorandum with accompanying plans and documents relating to the past and present state of the Harbour of Toronto," and at the same time I received the following letter:

No. 6532, Subj. 13.

" DEPARTMENT OF PUBLIC WORKS, CANADA,  
OTTAWA, 19th April, 1881.

"SIR,—The preparation of the information you desired to have relative to the Harbour of Toronto prior to the examination you are to make having been completed, I now enclose the same in pamphlet form, and am directed by the Honorable the Minister to request you to proceed with such examination at your earliest convenience.

"There are two points which will demand your serious consideration:—

"1st. The western entrance—its proper width and depth, and the means to be adopted to maintain both, as well as to restrain or prevent the growth of the island shoal northwardly and westwardly either by works erected at the entrance or from the island, or both.

"2d. The eastern entrance,—whether it is desirable that it should remain open; if so, the means to be adopted for its maintenance to an ample width and to a depth

equal to that of the western entrance. If it should be closed, the manner in which this should be accomplished and its future maintenance provided for.

"You will be kind enough to report fully on these points, as well as on all others having a bearing on the preservation or improvement of the harbour which may be brought to your notice during your examination, such report to be accompanied by plans and estimates of the cost, and such suggestions as you may be pleased to make.

"Although your attention is called to certain points for investigation, it is the wish of the Minister that your report shall be full and comprehensive and embrace every thing which may have a bearing on the object of your enquiry.

"You will please notify the Chief Engineer when you propose visiting Toronto.

"I have the honor to be, Sir, your obedient servant.

(Signed)

"F. H. ENNIS, Secretary."

The Memorandum and its appendices contain a mass of important information upon the subject in hand, which will be found very useful in forming a correct judgment as to the merits of any system of works which has been or which may be suggested for the benefit of the harbour. But as the careful examination of these facts *in extenso* may be inconvenient when this Report is under consideration, and as they constitute a part of the evidence by which I have been guided, I think it proper to append to this Report a copy of the Memorandum, as it contains in a compact form the gist of the information which is embodied in the entire volume.

During the latter part of last June, I visited the City of Toronto and met the Chief Engineer, Mr. Henry F. Perley, there by appointment. Through his courtesy I was provided with every facility necessary to enable me to make such an inspection of the harbour and its vicinity, as I desired. During my examination I was accompanied by the Chief Engineer, and by Mr. Kivas Tully, Engineer of the Harbour, and from these gentlemen I obtained, verbally, much useful information. Mr. Tully's knowledge of the harbour is the result of many years of close and intelligent observation of its phenomena, while residing in Toronto. During my visit I made as thorough an inspection of the harbour as I desired, and fully informed myself as to the causes which in my opinion have produced its deterioration.

As no instrumental survey of the harbour had been made since 1879, and as an accurate knowledge of the most recent changes in it was important, not only in arriving at a correct solution of the problem, but also in making an accurate estimate of the cost of the works needed for its improvement, I requested that another survey should be made with especial reference to the changes which had occurred in its two entrances, where works of improvement would probably be located. This survey the Chief Engineer caused to be made during last July and August, and I have been furnished with the results. I am therefore in possession of all of the information requisite for an intelligent and thorough study of the subject. This study I have made and I trust that I shall succeed in presenting to the Dominion Government, in as convincing a light as they are presented to my own mind, the several reasons that have induced me to make the recommendations herewith submitted. To aid me in this part of my task I desire to impress on the memory of the reader, each one of the three facts presently named, which appear to me to be the most important phenomena in the consideration of the very novel problem presented by the Harbour of Toronto.

*First.* There has been for nearly a century a constant growth of the northern end of the peninsula in the direction of the Queen's Wharf.

*Second.* Although this extension has diminished the *width* and *depth* through the entrance or throat of the harbour, it has not materially altered the *distance* which existed

sixty-three years ago between the deep water immediately inside of the harbour and that near the entrance on the outside of it.

*Third.* While the crest of the extremity of the peninsula has advanced about 1,700 feet to the west in the last sixty-three years, its submerged face on that side has greatly receded, and the deep water of the lake along its western shore has proportionately moved to the east, thereby resulting in a much steeper slope on this side of the peninsula, to the depth of at least 18 feet, than it had in 1818.

These three facts are so important that the proof of each one in order, is herewith submitted.

In proof of the *first*, we learn that in 1788, Mr. J. Collins, Deputy Surveyor-General, reported the navigable channel for vessels to be 1,500 feet wide and from 18 to 20 feet deep. The waters of the lake at the time were as he says very high. The survey of Bouchette, 5 years later, shows only 15 feet as the maximum depth and a channel 480 yards wide. Much of this difference in the maximum depth and width and that reported by Collins, was doubtless due to the different level to which Bouchette referred his measurements.

In the very interesting and instructive competitive report of Mr. Sandford Fleming, C. E., (page 64 of the appendix to Memorandum) we find the following statement:

“On comparing the charts of Bouchette, Bayfield, and Bonnycastle, with my own from a recent survey [in 1850] showing the state of the peninsula at the present time, we obtain results as follows:

“First—That the channel between ten (10) feet water lines was, in

“ 1796, about 480 yards wide,

“ 1828, about 310 yards wide,

“ 1835, about 260 yards wide,

“ 1850, about 120 yards wide.”

This comparison is entitled to much confidence, for the reason that it was evidently made by a careful and intelligent engineer, who had within reach at Toronto at that time, the necessary data to determine the difference in the lake levels to which these several surveys were referred, and without which information no very accurate comparison of these surveys could have been made.

From these comparisons, and from his estimates, Mr. Fleming arrived at the conclusion, that the northward growth of the peninsula reduced the width of the channel at the rate of from seven to ten yards annually, and that this required a deposit of about 11,000 cubic yards each year. The annual growth during the years embraced by his comparison is shown to be remarkably constant and regular.

On the 11th of April of this year, as appears by the chart of comparative surveys from 1875 to 1879, inclusive, the width between the Queen's wharf and the ten-foot contour line on the peninsula was only about 225 feet, and much of this width is no doubt, due to dredging.

The *second fact* is shown by a comparison of Mr. Fleming's survey of 1850, with the most recent one made this year. The 15 feet inside and outside contour-lines on the latest survey, measured across the end of the peninsula where they approached each other most nearly, are about 2,400 feet apart.

In comparing the latest contours with the 15-foot contours of Mr. Fleming, it should be observed that there are two 15-foot soundings on his chart in the bight of the outer curve which are not embraced by it. If the curve were drawn through the outer one of these, which it might be with equal propriety, the line would be

moved out about 420 feet. The distance would then be about 2,200 feet between the two 15-foot contours on Mr. Fleming's chart, if measured over the line of least distance between the same contours on the survey of 1881. This line crosses the end of the peninsula about 1,350 feet from the end of the Queen's wharf. On a line nearer to the Queen's wharf the distance between them on Mr. Fleming's chart is only about 1,800 feet. The lesser distances between these contours on Mr. Fleming's survey are owing to the higher datum plane from which the depths were measured. He says (p. 69, Memorandum and Appendix) that his report was "chiefly founded on a very laborious and expensive survey between August, 1849, and the spring of 1850." With regard to the datum level, he says:

"These soundings amount to between two and three thousand, and are reduced to an approximate mean level of Lake Ontario, ascertained in conjunction with Captain Lefroy from a series of lake levels taken by his direction during several years."

This level is, I believe, about one foot and a half higher than the present datum established by the late Captain Hugh Richardson in 1850. The hydrographic diagram of Mr. Kivas Tully shows the mean level of the lake during twenty-five years ending in 1879 to have been 18·20 inches above the present datum plane.

No material difference is observable between the last survey and that made by Mr. Fleming thirty years ago in the width of the shoal between the 15 feet contours at the locality named, when the discrepancies I have alluded to are duly considered. That this distance has not appreciably altered in the last six years admits of no question, when the survey of 1875 is compared with that of 1881.

In still further proof, it is proper to quote the following from the report of Mr. William Kingsford, engineer in charge, dated July 7th, 1875, who seems to have been a close observer of the changes in the harbor and its entrances. He says (page 110, Memorandum and Appendix): "The eastern spit of land which protects the harbor is formed of sand, much of which is frequently in motion. It has been asserted that, carried away from the original place of deposit, it finds its way into the harbour. The examination of last year proves that such is not the case. There is no less depth of water to-day in the inner harbour than is shown on the map of the first survey made by Bouchette in 1785.

The proof of the *third fact* referred to, will appear by making the following comparison of Bayfield's survey with the survey of 1881. Draw a line upon each from the light-house to the centre of the Queen's Wharf, and from points on this line measure, perpendicularly to it, the distances to the 2, 4, 10, 15, and 18-foot soundings shown on Bayfield's chart near the central part of the western face of the peninsula; and compare those depths with the depths at the same places on the chart of 1881.

*First.* At a point on the line 4,500 feet from the light-house we find it is about 1,900 feet to the most southerly one of the two-foot soundings. At this place on the survey of 1881, the depth is now 13 feet greater.

*Second.* At a point on the line 5,600 feet from the light-house it is 1,500 feet to the next two-foot sounding on the Bayfield chart. At this place the depth is now 6 feet greater.\*

*Third.* At a point on the line on the Bayfield survey 4,000 feet from the light-house it is 1,400 feet to the southern four-foot sounding. The depth here is now 27 feet greater.

\* Note.—This latter two-foot sounding and others on the same shoal are shown more distinctly on an engraved chart of Bayfield's survey published "with corrections" in 1863. They are scarcely discernible on the photo-lithograph published with the memorandum.

*Fourth.* At a point on the line 4,300 feet from the light-house it is 1,200 feet to the other four-feet sounding. The depth at this place is now  $1\frac{1}{2}$  feet greater.

*Fifth.* At a point 4,750 feet from the light-house it is 2,000 feet to the ten-feet sounding on Bayfield's chart. At this place the depth is now 9 feet greater. The ten-feet contour here has receded 400 feet.

*Sixth.* At a point on the line 5,000 feet from the light-house it is 2,000 feet to the fifteen-feet sounding of Captain Bayfield. At the same place the present depth is 4 feet greater. The fifteen-feet contour has receded here about 200 feet.

*Seventh.* At a point on the line 5,200 feet from the light-house it is 2,050 feet to the eighteen-feet sounding on Bayfield's chart. The present depth here is about 2 feet greater.

These comparisons are sufficient to show that the five-feet contour line about the middle of the western face of the peninsula is at very nearly the same place now that it was sixty-three years ago, while the contours between five feet and eighteen feet have greatly receded.

A further comparison of Captain Bayfield's survey with that of 1881, will prove by similar measurements that the dry crest of the northern end of the peninsula has not only advanced to the north, but has likewise advanced to the westward about 1,700 feet from the end of the sand spit shown on Capt. Bayfield's chart, by which the western face of the peninsula above the five-feet contour line has been much steepened by a movement precisely the converse of that which has steepened it below that depth. The sand which constituted the bottom beyond the present five-feet contour line in 1818 out to the depth of eighteen feet, has evidently been transported by the action of the waves up to the northward and on to that part of the western face of the peninsula which is now above the present five-feet contour. This process has greatly steepened the western face of the peninsula without really advancing it lakeward.

If comparisons be made further southward on the face of the Peninsula, the change wrought by wave action in this direction will be still more marked. For instance at a point on the line from the Queen's Wharf to the light-house, 2,600 feet from the latter, the Bayfield chart shows a depth of but 3 feet on the outer face of the shoal at the distance of 2,600 feet. The depth here must now be about nineteen feet, as the spot is about 100 feet outside of the outermost sounding on the chart of 1881, where a depth of 18.5 feet is recorded. The depth of three feet is now 1,600 feet eastward on the survey of 1881. If we assume that the plane to which Captain Bayfield reduced his soundings was eighteen inches higher than the present datum, it would still show that the three-feet contour at this locality is 1,550 feet further landward than it was in 1818.

From this and other comparisons which may be made between these two surveys it will appear that while the top or dry part of the peninsula at its northern end has apparently swung out towards the lake about 1,700 feet westwardly, the submerged portion of it at the southern end of this face, has, to the depth of eighteen feet, swung in towards the light-house about the same distance eastwardly. The common centre about which these changes seem to have vibrated from east to west, is located near the central portion of the western face of the peninsula. The centre about which the vertical movement has occurred by which the entire face of the peninsula has been steepened, seems to have been at the depth of about five feet, and at a point also near the central part of the western face of the peninsula. In this movement the eighteen-feet contour at the northern end has not materially changed its location, while the zero margin of the lake at the other end, immediately west of the light-house has been almost if not quite as stable.

The prolongation of the isthmus northwardly and the alteration of its western face, are unquestionably due to wave action, and as a proper understanding of the phenomena produced by waves is absolutely necessary to enable the reader to form an intelligent judgment of the merits of the conclusions arrived at, in regard to the causes of the changes which have occurred at the harbor of Toronto, and of the probable results of the remedial works herein proposed, I will be pardoned for explaining the manner in which the waves affect the sand and other materials composing the bottom of seas, lakes, etc.

A simple illustration of the action of waves on the surface of *very deep water* can be made by tightly stretching a long cord between two points and then striking it near one end. The wave produced by the blow travels rapidly back and forth along the cord from end to end, but the material of which the cord is made simply rises and falls without advancing with the wave. So it is with the *water* where the lake is deep. The wave may pass ever so rapidly, but it cannot of itself set up any continuous horizontal motion in the water. A bird or a buoy afloat upon it would simply rise and fall as the waves passed under it. At the same time it would have a slight motion to and fro in the direction the waves are travelling but unless impelled by the wind or a current in the lake, it would remain in the same locality. The case is quite different, however, when the wave reaches water so shoal that the bottom resists the sinking of its crest. When this resistance is felt, the water which at that moment constitutes the wave, has, as a result of this resistance and of its own momentum, a horizontal motion imparted to it. This horizontal impulse becomes still greater as the depth lessens. Hence, although the velocity of the wave itself is diminished as it reaches shoaler depths, the water through which it passes has a constantly increasing velocity imparted to it in the direction of the shore, and in the case of big waves it becomes so swift that it is driven with great force out upon the beach.

This translatory motion gives to the waves the power to take up from the sea bottom, or to set in motion, the sands, shells and other materials of which it is composed, and to transport them shoreward with more or less force. The quantities thus transported depend upon the size of the waves, the formation of the shore upon which they exert their force, and the size, gravity and abundance of the material acted upon.

The direction of these translatory currents is determined by the shape of the sea bottom. If the shore be precipitous, very little or no such current will be created; but where the bottom is sloping to the sea, the waves will be constantly directed shorewards, no matter how obliquely they may approach it. Hence waves on such shores are continually piling up reefs and beaches, and through some of these every river must struggle to reach the sea, unless it enters it between bold headlands, and is incapable of transporting enough detritus to form a delta at its mouth; or unless some sea current exist sufficiently strong to sweep away the sedimentary matter brought down by it. Of course the height of the wave determines the depth at which the resistance of the bottom is felt, and at which the horizontal motion of the water is first induced. This depth will therefore be the extreme limit at which the material of the bottom can be set in motion by the wave. A study of the surveys which have been made on the western shore of the isthmus at Toronto satisfies me that the waves which roll in upon it are not large enough to move the sand when the water is over 18 feet deep. I can discover no evidence that the bottom has been disturbed at a greater depth there during sixty-three years; and the area within which the waves are formed that break upon it forbids the belief that they are large enough to affect the bottom at a greater depth. The magnitude of a wave does not depend so much upon the force of the wind as upon the "fetch" or distance through which it can travel without interruption, and the depth of the water on which it moves.

Waves travel much more rapidly in deep than in shallow water. This is the cause of the phenomenon called "breakers." As each wave approaches still



shallower water, its speed becomes still more retarded, hence the wave behind is always moving more rapidly than the one in advance. As it gains upon its predecessor it gets the benefit of the deeper water of that wave. The result of this is that at regularly recurring intervals or rhythmic periods, one of the waves completely overtakes the one in front of it, by which it secures for itself a still greater depth and maintains the velocity due to that depth. This enables it to travel so rapidly over the one it has surmounted, that it outstrips it in the race and consequently falls over in front of it, or, as it is termed, "breaks."

The wave has more ability to carry the sand up on to the beach than it has to bring it down again notwithstanding the slope of the shore. This is because the ratio of frictional resistance of the shore increases as the depth of the water passing over it is diminished, and also because the material carried up on to the beach, is almost wholly suspended in the water. The interval of time required for the shoreward current to come to rest and for the return current to be started, is sufficient to permit the sand to fall to the shore, from which the less rapid current seaward is unable to move it.

A very important part of the study of our problem is involved in the inquiry as to whether the portion of the isthmus now constituting an island is undergoing any serious alteration in its size. Is it being added to? or is it diminishing? We know that its form has been altered to the serious injury of the channel, by the extension of the peninsula northward. It is a matter of great importance to know whether the material which has been added to the end of the peninsula in the last 63 years has been brought from Humber Bay, Scarborough Heights or elsewhere, or whether it has been transported from the southwestern portion of the peninsula itself.

If it has been brought from the eastern shore of the Lake, from Humber Bay or Niagara, we must look for an annual contribution of the same kind indefinitely, from such foreign source, and this fact would thrust into any plan for the improvement of the western entrance, a very embarrassing element. This material would accumulate about the entrance to our works, to such an extent as to need annual dredging and probably an extension of the necessary piers from time to time. With such a prospect I should not hesitate to advise that the western entrance be abandoned and that the remedial treatment, although much more expensive, be at once applied to the eastern gap. It is, however, only necessary to make an approximate estimate of the amount of material which has been removed from the western face of the peninsula, near Gibraltar Point, northward and within a distance of about 2,000 feet westward from its present margin, to know that the immense quantity of sand which covered the lake bottom over this area in 1818, and which has now been removed by wave action, was quite sufficient to have transferred the crest of the peninsula 1,700 feet westward in the shallow depths then existing, and to have added to its length all of the material which it has received during the last 63 years, without any contributions from foreign sources.

I have made some approximate estimates of the quantity of sand which has been removed from this area during the last sixty-three years. On the large chart accompanying this report, which is a copy of the survey made by Mr. F. M. Hamel in 1881, will be found a line drawn from the light-house to the Queen's wharf, with four lines at right angles to it. These are designated as "A.B." "C.D." "E.F." and "G.H." In comparing the sections, as nearly as possible with those similarly located on Bayfield's chart, I find that south of line "A.B." in the last 63 years there have been removed about six million cubic feet. Between lines "A.B." and "C.D." sixteen million two hundred and fifty feet. Between "C.D." and "E.F." eighteen million, seven hundred and fifty feet. Between "E.F." and "G.H." eight million one hundred thousand feet, and north of line "G.H." one million, four hundred thousand cubic feet, making in all, forty-seven million, five hundred thousand cubic feet; or, one million, seven hundred and sixty thousand cubic yards.

This is at the rate of about twenty-eight thousand cubic yards per annum ; an amount amply sufficient to account for the northward growth of the Peninsula and likewise for the westward advance of the crest of it. The data are not sufficient to enable me to determine what amount of it has been deposited to the eastward of the line between the Queen's wharf and the light-house, but it is evident from the foregoing that no addition from any foreign source has been made to the northern and western face of the Peninsula since Bayfield's survey. The changes which have occurred on the western face of it, give substantial assurance of the permanency of the western entrance to the harbour, if it be located in accordance with the recommendations hereinafter made.

No grain of sand rests upon any part of the shores of the peninsula, or in the channel, that was not brought to its present resting place by a current of water which left it there because it was not able to move it farther. The slope of the shore is therefore the result of an equilibrium between the force of the currents which sweep over it, and of the opposing force of gravity in the sand. The slope which the shore assumes under these different forces is termed in technical parlance, its "angle of repose." Owing to the greater mobility of the sand when saturated, this angle is flatter or lower on the submerged part of the shore than on the dry reefs or beaches. When a broad channel is exposed to storms and is swept by violent waves in different directions, the bottom becomes still flatter. Hence the angle of repose assumed, is so low that any natural channel through such deposits on the sea coast, must possess great width if it have any considerable depth in its central part. This will be better seen when it is remembered that it is about 1,200 feet from the shore line on the western face of the peninsula out to 16 feet of water, although this shore is under the influence of wave action which is quite favorable for the maintenance of a steep angle of repose. A natural channel therefore, if formed of the same materials, which I assume to be almost wholly of sand, would, if it were possible to have its opposite shores swept by similar waves, require to be 2,400 feet wide to maintain a central depth of 16 feet. In a narrow and sheltered channel the sand would maintain an angle of from four to six horizontal, to one vertical, or about eleven degrees. The perimeter of the cross section of a channel swept only by currents moving in direction parallel to its axis, conforms very nearly to the arc of a circle.

The ability of a river to carry the detritus with which its water is charged, is due to the velocity of the current. When it reaches the sea the current subsides, and the sediment, before held in suspension, is deposited. The sea waves leach out by continual agitation the argillaceous and other lighter portions of these deposits, while the sand, gravel and heavier materials are left to dam back the river and form the foundations upon which it in turn builds up its bank still further out. Their low slopes defy the fury of the waves, and if any littoral (or shore) current prevails in the sea where the river is thus extending its banks, this current carries the river deposits to the leeward, builds up that bank more rapidly than the other and compels the discharge finally to flow in almost direct opposition to the prevailing sea current. In this way a river will extend its banks out many miles into the sea, its direction being determined by the littoral current or by the prevailing winds. The Mississippi has thus extended its length about sixty miles out into the Gulf of Mexico beyond the present shore lines of the gulf, and its course has been almost directly *against* the direction of the prevailing winds. As the river extends itself into the sea, its banks on the mainland are continually being raised by the annual overflows. These deposit the heavier materials carried by the current close to the river, while the lighter portion, which takes longer to settle, is carried back to the swamp lands. In this way many silt-bearing streams, the Mississippi, the Rhine, and the Po, for instance, have, as they approach the sea, build up their banks many feet higher than the lands on each side of the river.

The direction which rivers take when their channels are built out in the sea, is frequently such as to almost completely enclose extensive bays. After such process

has been carried out to a greater or less distance in the sea, the height of the river on the main land becomes so great that a breach finally occurs in the seaward bank during some extraordinary flood, and the river then takes the shorter way through it to the sea. In such case the channel which it had constructed below the breach is abandoned. Being no longer a conduit for the fluvial current, it is filled up by the action of the waves, and at the same time the height of its banks is reduced to the sea level or below it, and what the river constructed finally becomes the foundation of a peninsula, on which every evidence of the fluvial channel above the surface of the sea, is completely obliterated. The Vistula, Adour, and Senegal, are among the numerous examples of rivers forming such new outlets to the sea, many miles above their former mouths. The long, narrow peninsulas which separate the Frisches Haff and the Curisches Haff in Eastern Prussia from the Baltic, no doubt had their origin in the extensions of the Vistula and Pregel into that sea.

A peninsula thus formed, having its axis parallel to the prevailing winds, receives constant additions by wave action upon its extremity, which continues to extend it, generally, though not always, against the wind. If a constant current of the sea sweep along its side in the direction of the end of the peninsula, the accretions thrown up by the waves in storms on the side of it, are gradually transported along in calmer weather, toward its extremity. The side is thus kept steeper and prevented from widening, while the sands thus removed fall to the bottom again in the more sluggish current or eddy, which exists at the end of the peninsula. Here an extensive shoal forms during the calmer weather, to be afterwards thrown up on it by the force of the waves. The sandy breakwaters which enclose the long series of extensive sounds on the coast of Virginia, the Carolinas and Florida, are examples of this kind of peninsula formation. The same process is carried on in tideless seas, though not in such vast extent. The Baltic, Mediterranean, Black Sea and the Great Lakes present many examples of such phenomena.

The sea currents almost invariably carry more or less sand along the shores, and thus furnish the material for the waves to extend the peninsulas. If the source of supply of this material be from any cause exhausted, the growth of the peninsula becomes checked. In such case the long, low slope at the end of the peninsula, under the influence of the waves, may not only be thrown up against it and be greatly steepened, but the end of the peninsula may be made by such influences to change its direction under the oblique force of the waves, in the manner of the Toronto peninsula. An example of a peninsula built out from a headland many miles across a large bay, and stopped in its growth when only half way across, may be seen in the Gulf of Danzig in the Baltic.

The longitudinal growth of a peninsula is checked when it approaches a headland of the main shore, by the pulsations which occur in the basin or harbour enclosed by it. Where tidal action exists the basin is filled and emptied twice a day \* through the channel between the end of the peninsula and the mainland, and the further encroachment of the peninsula upon this channel is arrested by the currents which sweep through it upon every ebb and flow of the tide. The higher the tide rises, and the bigger the basin which is filled and emptied, the greater will be the magnitude of the channel thus maintained. When the peninsula has reduced the width of the channel to the size absolutely required for the entrance and exit of the tidal water, the channel becomes permanent.

As the magnitude of a channel thus formed is wholly dependent upon the quantity of water which flows through it, it is evident that the quantity must be diminished if a breach occurs in the peninsula, as a portion of the water which would otherwise serve to maintain the channel and stop the growth of the peninsula is lost through the breach.

NOTE.—The Gulf of Mexico is an exception to this rule : the tide there rises but once a day.

I think it altogether likely that the Toronto peninsula had its origin in an extension of the River Don westwardly from the southwestern point of Ashbridge's marsh. It is not necessary to sustain such hypothesis, that its ancient channel should have extended through any considerable length of the peninsula. The root of the peninsula being thus formed throughout a distance of a few hundred feet, would be a sufficient nucleus upon which the waves and the current of the lake would concentrate a great part of the sand lying within a few miles of it in water less than eighteen feet deep. To do this the easterly gales doubtless contributed a large portion of the detritus from the ancient Scarborough Heights. The prevalence of the southwesterly gales will explain the cause of the change of direction which the peninsula has taken at Gibraltar Point without the Don having ever extended its channel through that part of the peninsula. To the wave action resulting from easterly storms must be attributed the constant growth of the eastern end of the island. This growth will be seen by a comparison of the last survey with those of older date.

It is not, however, necessary to penetrate the mystery which enfolds the creation of the peninsula. Its continual advancement to the northward conclusively demonstrates the fact that the filling and emptying of Toronto Harbour under the influence of the winds, the rise and fall of the lake and the discharge of the Don, have not been sufficient to arrest the growth of the peninsula in this direction, and the breach at Privat's Hotel which occurred about thirty years ago has made the currents through the main channel since then, still more impotent to check its northward advance.

It is exceedingly difficult to declare with any certainty what is the greatest magnitude of channel that can be maintained permanently through the main entrance to the harbour without dredging, even if the eastern gap were closed. The annual rise and fall of the lake is a very low process as well as a very irregular one and produces but little current through this channel. The rise and fall of the water in the harbour under the action of the winds and storms is the chief source to which we must look for the necessary force of current to maintain the channel.

With a tidal basin regularly filled and emptied every day, and a permanent cross-section of channel as a resultant to guide him, the engineer can calculate with great accuracy the increased depth which he can secure by the construction of parallel works to reduce its natural width; but at Toronto the facts prove that the dimensions of the main channel are not permanent, nor are they wholly the results of the currents passing through, it but of the incomplete inclosure of the harbour by the peninsula. In other words, the western channel was originally an open roadstead. The peninsula has been, and is now, gradually converting it into a channel of permanent dimensions. If this natural process proceeds, it will reduce its dimensions to those which the tidal action or pulsations of the basin enclosed by it, absolutely require for the exit and entrance of the lake water. It will then preserve that size with comparative permanence. Such channel, uninfluenced by artificial causes, would be shallow and wide, owing to the low angle of repose which the sands that form its bed naturally assume. If this process were completed, the engineer would know by the natural cross-section of channel permanently established, what additional depth could be secured and maintained through the works he would build to contract it; because the tidal action *will* insure the maintenance of a cross-sectional area sufficient for its accommodation, and, if he contracts that area in width, the tidal force will recover a portion of it by increasing the depth through the works, until such area of cross-section is made large enough to establish a new condition of equilibrium or permanence, between the force of the current and the resisting forces of friction of the bed and the gravity of the materials of which it is formed. Nothing short of some unusual convulsion of nature could close up the channel between the lake and a basin so large as the Toronto Harbour, if but one channel existed. If instead of one there were many into the harbour, they would each be shoaler, and

in such case, a long continuance of a low lake level, would make them all unusually shallow, and render them liable to be shut up by wave action which would thus convert the harbour into a lake.

We have, however, in the comparatively stable condition of the inferior channel through the breach a reliable basis for the belief that a channel of sufficient width and depth for the commercial wants of Toronto can be permanently maintained without dredging, simply by the currents resulting from the oscillations of the water in the harbour, if but one channel be permitted. The channel through this gap has now a central depth of about four and a half feet and a surface width of about nineteen hundred feet, when the level of the lake is at zero of the gauge. This is equivalent to a cross-sectional area of nearly four thousand feet or of a channel two hundred feet wide and twenty feet of central depth. This channel has been maintained wholly by the currents that pass through it. If the main entrance were completely closed it is safe to assert that it would have been much deeper and proportionately wider.

It is supposed that the channel through the breach has been maintained by a current sweeping through it, and through the western entrance, at the same time and in the same direction, that is to say, in through one and out at the other, and not by currents induced by the pulsations of the harbour, it is to be answered that such a current would not have the velocity of those currents which result from maximum differences of level between the surface of the harbour and that of the lake. A wind blowing continuously from the southeast would have the effect of creating a current through the gap which would flow out of the western entrance, but the same wind would raise the level in Humber Bay at the same time and thus check, if it did not completely arrest such current. The strongest currents which would flow through the gap, without establishing a counter under-current would probably be induced by winds from the south or southwest. These would elevate the surface in Humber Bay to a greater degree than at the gap. Their effect upon the water on the south shore of the peninsula would be to create a current, toward Scarborough Heights, without materially affecting the level of the surface at the gap. Storms from the east undoubtedly have the effect of creating considerable current through the gap into the harbour. I am of opinion, however, that currents thus created through the gap cannot have the velocity and scouring power which the under-currents hereafter referred to would possess.

The currents which are induced by a rapid rise or fall of the lake, will have their velocities determined by the slope of surface through the channel, (or fall per mile,) and by the amount of frictional resistance of the bed of the channel. It is evident that when an alteration occurs between the surface levels of the lake and the harbour, the steepness of the slope through the channel will be increased in proportion as its length is diminished. The slope of the surface creates the current and the friction retards it; hence it is of prime importance that the channel be kept as short as possible. When the currents are the result of winds prevailing for several days in a direction to fill or empty the harbour an under-current must always exist through the channel in an opposite direction to that which is seen on its surface, provided all other openings from the lake into the harbour be closed.

It is impossible for an east wind to sweep over the harbour for an entire day without creating an outward surface current through the proposed channel, supposing the breach at Privat's Hotel and all communication with Ashbridge's bay to have been closed. This current will continue to exist so long as the friction of the air sets the surface water in the harbour and channel in motion, and it is impossible that the water should continue for any considerable length of time to flow out of the harbour in the direction of the wind, without lowering its surface level. A counter current of equal intensity will then be created below the surface current in the channel. This under-current will be the result of hydrostatic pressure induced by the greater height of surface outside of the harbour.

I should hesitate to advise the construction of a channel of greater dimensions than three hundred feet in width and a central depth of eighteen feet below the present datum plane, although I am not prepared to say that one of greater size cannot be maintained without dredging after it be once completed.

A channel of the dimensions named can be constructed either at the breach on the peninsula, or at western entrance to the harbour, with nearly equal assurance of its permanence. The question therefore, as to which locality shall be selected for the channel, should be determined mainly by the relative advantages which each would possess for navigation, and the relative cost of each. These are both decidedly in favor of the western location.

So far as to the safety and ease with which vessels could enter either one of these channels during bad weather, there can be no doubt that the preference is most decidedly in favor of the western entrance. Owing to its peculiar position, this entrance is completely protected from storms from every quarter except the southwest. To connect the deep water on the two sides of the peninsula by the shortest route, requires the location of a channel nearly parallel to the direction of these storms; therefore vessels arriving in such weather, would be able to sail directly into the channel and proceed at once to the harbour.

I have laid down upon the general chart of the harbour, (No. 1), the lines upon which the works that would be required for the improvement of the eastern gap should be located, if such improvements were deemed more desirable than that of the western entrance. These are shown in dotted lines, and will be readily found on the map. Where these lines are double, the works would need to be equally as strong and costly as the breakwater required on the south side of the western entrance. In addition to the works at the gap, its improvement would necessitate the complete closure of the western entrance by a dyke from the Queen's wharf to the end of the peninsula, as shown also with dotted lines.

On comparing the length of these several lines of works with those hereinafter recommended, (the location of which is shown in solid lines on the map,) it will be seen that the improvement of the eastern gap would require 4,840 linear feet of heavy work, including 400 feet of the Queen's wharf dyke, and 6,220 linear feet of light work; while the western entrance will require only 2,745 linear feet of heavy work; and only 7,403 linear feet of light work.

In this comparison it is assumed that 800 feet of the landward end of the breakwater, and 1,040 feet of the Queen's wharf dyke, will be of light work. Therefore 2,095 feet less of heavy work, and 1,123 feet more of light work, will be required to improve the western entrance.

The amount of dredging required to make the eastern channel, would likewise be greater than that needed at the western entrance. With such an enormous difference in the extent of the works and because of the other decided advantages in favor of the western entrance, I have deemed it unnecessary to prepare detail plans for the improvement of the eastern gap. They would only be useful in determining accurately the difference in the cost of each entrance. Whereas, if the eastern one cost no more, I should be unwilling to give it the preference.

If the channel were located at the gap it would need to be about 700 feet longer than the western channel, and the currents through it would therefore be less rapid than through the western one under the same conditions of wind and tide. Hence they would not maintain a channel of as great a width and depth as the western one. I should not, however, expect to find much difference in them from the injurious effect of wave action at their lake entrances, because either one selected for improvement must first be dredged to the maximum depth required, and as this would be a depth at which there would be little or no disturbance of the bottom at the end of the

channel by wave action, there need be but little fear that either channel would require dredging as a result of wave action alone. The lake currents, however, carry more or less sand in suspension, and if this be carried into a channel of greater dimensions than the tidal action or pulsations of the harbour demand, they will be deposited in it and will gradually diminish its size to that which can be permanently maintained by the maximum currents through the channel.

To attempt to utilize the present western channel would involve the removal of a large amount of stone by blasting to obtain a sufficient depth, and would moreover require the channel to be crooked, in as much as the western end of it would necessarily have to be curved to the south west to reach the deep water of the lake. Thus located it would require to be very considerably longer than a straight cut across the peninsula. This greater length, and its curvature would be very objectionable. The greater length would increase the friction of the currents flowing through the channel and therefore diminish their velocity. The curvature would diminish their velocity still more, by checking the momentum of the water.

I am confident that a channel 300 feet wide between parallel works, at the western end of the harbour, with a central depth of 18 feet below the present zero or datum plane, can, when once established by dredging, be afterwards maintained by the natural currents through it, if it be located across the northern end of the peninsula between the lines, shown in the accompanying chart (No. 1), provided all other communication between the lake and the harbour be completely closed

I have the honor to submit the following

#### RECOMMENDATIONS.

1. The closure of the Eastern Gap with a dyke of sheet piling, protected on the sea side against undermining, with brush and stone.
2. The construction of a breakwater and the necessary parallel works to protect and maintain a channel 300 feet wide and 18 feet deep across the northern end of the peninsula, to connect the deep water of the harbour with the deep water of the lake.
3. The excavation of the necessary depth and width of channel through the parallel works, after they shall have been constructed.
4. The closure of the present western channel, after the new shall have been sufficiently developed to afford equal facilities for commerce, by the construction of a dyke from the western end of the Queen's Wharf to the northern jetty of the new channel.
5. The closure of all communication between the harbour and Ashbridge's Bay, with a dyke of light sheet piling or one of earth, three feet above the present datum plane, or zero of the gauge.

All of these works except those necessary to completely separate the harbour from Ashbridge's Bay, should be located and constructed in accordance with the plans and specifications herewith submitted. The closure of the Eastern Gap, and the construction of the breakwater and channel works, should be executed at the same time to secure the earliest benefit of the proposed improvement. If this be not done, I would then recommend the construction of the channel works and breakwater first, and the closure of the gap while the new channel is being dredged out. I do not think the diversion of the Don into Ashbridge's Bay necessary, except as a sanitary measure. So far as this would affect the channel and harbour, it is probable that the injury which may be done by the small quantity of sediment that the Don brings into the harbour, will be compensated for by the increased current it will

give through the channel when in flood. Should it be found a few years after the proposed works are completed that its deposits are injuriously affecting the depth of the harbour, it can then be diverted into Ashbridge's Bay, if it shall not have been previously done for sanitary reasons. It is quite probable that the closure of the Eastern gap and the growth of the city will soon make such diversion of the Don imperative as a means of promoting the public health.

Plans are not submitted for the dyking to separate Ashbridge's Bay from the harbour, because this work will be of a simple character, and comparatively inexpensive. I would recommend that its construction be open to competition, with the understanding that each bidder submit with his proposal the plan by which he intends to execute it, leaving to the Chief Engineer the selection of the best and cheapest proposal. This work will be exposed to very little servitude if it be sufficiently distant from the shore line of the harbour to be safe from floating ice. The greater portion of the marsh near the harbour shore is probably already 3 feet above zero, thus leaving only the sloughs to be closed. In any event the cost of the necessary work here will not probably exceed five thousand dollars.

If the closure of the Eastern gap be executed in accordance with the specifications and plans herewith submitted, I am of opinion that a sand beach will be formed in front of the dyke before the parts of it exposed to decay will be destroyed, and that no expenditure for the maintenance of the dyke will be required. The total estimated cost of the works recommended is \$250,693.85.

I have the honor to be, Sir, with great respect,

Your obedient servant.

JAS. B. EADS.

St-Louis, Mo., March 4th, 1882.

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## APPENDIX.

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### MEMORANDUM.

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#### TORONTO HARBOUR, ONTARIO.

Toronto, formerly York, is situated on the northern shore of Lake Ontario, in lat.  $43^{\circ} 38' 10''$  N., and long.  $79^{\circ} 23' 45''$  W., 333 miles by rail south-west from Montreal, 161 miles from Kingston, and 39 miles north by east from Hamilton.

The harbour is formed inside of the Island, and has its principal entrance from the westward. An entrance known as the 'Eastern Gap' has existed for some years, but, owing to its shallowness, is not used by steamers or sailing craft of large dimensions. At the north-eastern corner the Don empties; and the eastern side is bounded by marshy lands of many acres in extent, which separate it from Ashbridge's Bay.

In 1788 this harbour was minutely described by J. Collins, Deputy Surveyor General, in a report presented to Lord Dorchester, Governor General, on the Military Posts and Harbours on Lakes Ontario, Erie and Huron. Mr. Collins stated it to be "near two miles in length from the entrance on the west to the isthmus between it and a large morass on the eastward. The breadth of the entrance is about half a mile, but the navigable channel for vessels is only about 500 yards, having from three to three and a half fathoms water. The north or main shore, the whole length of the harbour, is a clay bank from twelve to twenty feet high, and gradually rising behind, apparently good land and fit for settlement. The water is rather shoal near



the shore, having but one fathom depth at one hundred yards distance, two fathoms at two hundred yards; and when I sounded here the waters of the lake were very high." ("Toronto of Old," by Dr. Seadding, p. 16.)

The first survey of the harbour was made by Bouchette in 1793, and a copy of his plan is attached hereto.

In his work on the "British Dominions in North America," published in 1832, Mr. Bouchette describes the Harbour of Toronto as follows:—(Vol. 1, p. 88.)

"The Harbour of York is nearly circular, and formed by a very narrow peninsula stretching from the western extremity of the Township of Scarborough in an oblique direction for about six miles, and terminating in a curved point nearly opposite the garrison; thus enclosing a beautiful basin about a mile and a half in diameter, capable of containing a great number of vessels, and at the entrance of which ships may remain with safety during the winter. The formation of the peninsula itself is extraordinary, being a narrow slip of land, in several places not more than sixty yards in breadth, but widening towards its extremity to nearly a mile: it is principally a bank of sand, slightly overgrown with grass; the widest part is very curiously intersected by many large ponds that are the continual resorts of large quantities of wild fowl; a few trees scattered upon it greatly increase the singularity of its appearance, it lies so low that the wide expanse of Lake Ontario is seen over it; the termination of the peninsula is called Gibraltar Point, where a block-house has been erected. A lighthouse at the western extremity of the beach has rendered the access to the harbour safely practicable by night. The eastern part of the harbour is bounded by an extensive marsh through which the River Don runs before it discharges itself into the basin."

"No place in either province has made so rapid a progress as York. In the year 1793 the spot on which it stands presented only one solitary Indian wigwam; in the ensuing spring it was selected by Governor Simcoe as the seat of Government for Upper Canada."

With the growth of the population and the clearing and cultivation of the surrounding lands, and notably the disappearance of the Scarborough Heights to the eastward, from whence was derived the materials forming the peninsula, changes were soon apparent in the state of the harbour, and the necessity for its preservation early engaged the attention of those who were interested in its maintenance and improvement. They viewed with alarm the changes which had taken place in the dimensions of the peninsula, and the encroachment of the shoal from Gibraltar Point northward, to the great detriment of the entrance, and so early as 1833, as appears by the journals, Upper Canada Legislature, 1833-34, a select Committee reported on certain reports submitted by Captain Richardson and Captain (afterwards Sir) R. H. Bonycastle, Royal Engineers, on its preservation. (App. p. 1, *et seq.*)

The Commissioners in their report recommended the construction of a work extending from the island along the top of the shoal to the buoy, in a manner to continue the island to the brink of the channel opposite the present pier (Queen's Wharf), contracting the channel to about 700 feet in width; and also to prevent the waters of the Don from entering the harbour. (App. p. 2.)

Captain Richardson's letter is but an amplification of the views of the Commissioners, of which he was one.

The opinions entertained by Captain (afterwards Sir Richard) Bonycastle to make the harbour a secure and effectual one for large steamers and deep draught vessels were divided by him into three general propositions:—

- 1st. That of damming up the western estuaries of the Don;
- 2nd. The opening a passage through the eastern end of the peninsula; and

3rd. The construction of a breakwater from the shore at the western entrance, with works over the whole length of the shoal from Gibraltar Point, to confine the western entrance.

Sir Richard proceeded to debate the first proposition and arrived at the conclusion that it did not signify whether the breaches which the Don had made into the harbour be closed or not, and believed that the river is useful in a very slight degree.

With respect to the second proposition he plainly stated that if an opening be made through the beach the harbour would be entirely destroyed, and if it be done, extensive works must be run out into the lake, etc., to arrest and retain the shingle which is (was) brought by the wasting away of the Scarborough Heights from the eastward, and so to prevent a silting up of the channel so formed; but he feared that a navigable channel could not be kept clear, and that vessels would experience much difficulty during gales from the east around by the south to the west, in entering such a channel, and he summed up with the statement that there could not be any harm in making a small canal shut in by flood gates and protected by piers, and that under these restrictions no obstacle would be thrown in the way, and that it would be very useful for the purposes of trade.

The third proposition is discussed at length, and the conclusion arrived at was that the western entrance should be protected and maintained.

It appears that no action was in any way taken on this report, and though the matter engaged attention, little or no regard was paid to the state of the harbour, though a Mr. Roy, C.E., drew attention to its state in an article published in the *Monthly Review* in June, 1841. Search and inquiry have failed to obtain a copy of this paper.

Under date 4th May, 1847, Mr. C. S. Gzowski, then an engineer in the service of the Department of Public Works, reported that the entrance had narrowed to 250 feet in width, the bar having increased 280 feet in a northerly direction in seven years. (App. p. 17.)

In 1850, M. Sandford Fleming, C.E., read a carefully prepared paper before the Canadian Institute, in which he entered fully and minutely into the theory of the formation of the peninsula, described the changes which it was constantly undergoing, and its great increase in area since Bouchette's survey in 1793, and he debated the propositions which had been made and concluded:

1. That the foundation of the peninsula in its early stages may be attributed to the debris of the country traversed by the Don, in conjunction with a drift from an ancient promontory at Scarborough.
2. That the more recent portions were formed by materials from the Scarborough Heights.
3. That the formation is due to the travelling of the sand and gravel, under certain action of the waves.
4. That the harbour was being impaired and its only entrance threatened with early destruction by the same cause.
5. That its preservation may be permanently affected by the construction of certain specified works, at well selected points.
6. That the waters of the Don should be permanently excluded.
7. That the opening of an eastern passage would be a great accommodation to shipping; might improve the purity of the water in the harbour; and, if the necessary works to preserve it were properly executed, would have a beneficial effect.

Early in 1852, Mr. Walter Shanly, C.E., at the request of the Harbour Master, submitted for the information of the Harbour Commissioners a report on the state of the channel and the improvements required. (App. p. 18.) In it he stated that from the observations and soundings recorded during twenty years by the Harbour Master it was ascertained that the bar had advanced northwardly across the entrance at the rate of 19 feet yearly, and that the available width of the channel was scarcely 200 feet.

Mr. Shanly's theory of the formation of the peninsula is that the materials forming it were brought from the westward, and that the Don assisted as well, and he states that were the operations of Nature left unmolested, future generations might walk dry shod across to the outer lighthouse.

The remedy he proposed was dredging and the construction of crib-work on the southern side of the channel to define and maintain its width; and to divert the Don into Ashbridge's Bay.

Mr. Kivas Tully, C.E., in a letter dated 10th February, 1853, discussed fully the need of permanently improving the harbour, alluded to the opening of a passage through the peninsula, now known as the Eastern Gap, and suggested its improvement from an economical point of view—

1. On account of the saving of time to vessels arriving from or departing to the eastward, and
2. The tendency of the current created to maintain an open harbour later in the fall and earlier in the spring.

In the appendix, page 22, will be found an able review from the journal of the Canadian Institute, vol. 1, p. 162, of the letters and reports by Messrs. Bonnycastle, Shanly, Fleming and Tully.

In 1850 the harbour was placed in commission, Captain Richardson being Harbour Master. This gentleman, in January, 1854, submitted to the Commissioners a report on the state and requirements of the harbour, and alluded to the many changes which had taken place over a period of 50 years, and of the necessity which then existed for steps being taken to ensure the preservation of the western entrance in a navigable state, and to a depth of 14 feet and a width of 400 to 500 feet. He alluded to a breach through the peninsula to the eastward, near Privat's Hotel, which was then only 140 feet in width. Reference is made to an old chart of about 1800, on which the western entrance was shown to be about 1,455 feet in width from 12 feet inshore to 12 feet on the bar, and that the soundings in the channel were 3 and  $3\frac{1}{2}$  fathoms. (App. p. 21.)

This report bore fruit, for the Harbour Commissioners in March, 1854, offered premiums for the three best reports on the means to be adopted for the preservation and improvement of the harbour, the points to be discussed being:—

1. The effects, present or future, to be produced by the breach (Eastern Gap) through the peninsula on the harbour.
2. If prejudicial, the means to be taken to strengthen the coast against further encroachment.
3. If beneficial, the proper mode of making it useful, and the cost of doing so.
4. The advisability of opening a passage between the harbour and Ashbridge's Bay, or an opening from the lake into the lake, with an estimate of cost.

These premiums were obtained by Messrs. Hind, Fleming and Tully, and an extra premium was awarded to Captain Richardson for a report submitted by him.

The reports were published at the expense of the Harbour Commissioners, and will be found in the Appendix, p. 30 *et seq.* They furnish a vast amount of information respecting the harbour, and discuss fully the questions submitted by the Commissioners. No attempt is made by the writer to condense the views and opinions expressed in these different reports, because to do so would necessitate the use of extended quotations, which is not within the province of this memorandum.

No action was taken on any of the suggestions made by the writers of these reports as regards the construction of works; but it is gathered from subsequent reports by the Harbour Master—Captain Richardson—that dredging plant was obtained and used to keep the western entrance from closing up.

In 1856 it appears that the available width of the western entrance for deep draught vessels was only 260 or 270 feet, although dredging had been carried on for some time. At that date 400 feet was considered to be the least width, and 12 feet the least depth, which should be obtained. (App. p. 94.)

In his report for 1857, the Harbour Master states that many changes had been observed in the shape of the island; and that the point bounding Blockhouse Bay on the western side had greatly increased northwardly. He alluded to damage done to the peninsula, that the embankment for its preservation was never finished, and did not advise its repair. (App. p. 95.)

From the report of 1858, it is gathered that a breach had been effected through the peninsula, and that the influx of water into the harbour from the eastward was deemed to be of great benefit. (App. p. 96.)

At the end of 1859 the neck of land at the peninsula had disappeared, and a navigable channel with from 7 to 8 feet of water had taken its place, and new formations of sand on either side appeared. (App. p. 98.)

In the report of 1860 it is stated that the western entrance having been dredged to 400 feet in width, and an average depth of 12 feet, both had been maintained; and that the island shoal had extended westwardly and threatened to encroach on the channel. The depth in the eastern channel was 6 feet. (App. p. 99.)

Capt. Richardson, in his report for 1861, refers to the opening at the eastern end of the harbour as having been the means of purifying the water in the harbour, and of contributing to the health of the city.

The island shoal had extended further to the westward, and beyond the influence of the current deflected and guided by the Queen's Wharf, and the channel had been maintained at its width of 400 feet. (App. p. 100.)

Mr. S. Keefer, then Deputy Commissioner of Public Works, in reporting on a petition of the Council of the Corporation of the City of Toronto, that a survey of the harbour be made "with a view to ascertaining the cause of the dilapidations which have already taken place, and of devising some means of arresting their progress," refers to the reports of the gentlemen who had in previous years examined the harbour, and stated the results of his own examination, and advised that a careful survey should be made under the direction of an able hydraulic engineer, as "the subject requires to be treated both theoretically and practically, with a view to the satisfactory delineation of the causes which have operated in the formation, but are now apparently directed to the destruction of the harbour; as well as devising some plan for directing them beneficially in future for its preservation and protection. The problem not being easy of solution should therefore be committed to the ablest hands."\* (App. p. 101.)

\*The date of this report should be 1862, instead of 1872, as printed.

No action was taken on this recommendation.

The Harbour Master, in his report for the year 1862, stated that a bar of sand had grown up inside of the eastern entrance over which the water was shoaler than in the entrance itself. The "gap" or entrance had increased to half a mile in width, and the line of beach had so far receded that a boiler of a wrecked steamer which formerly was high and dry, was then 100 yards out in the lake and in deep water.

At the western entrance the island shoal had extended to 300 feet west of the then west end of the Queen's Wharf, and had advanced northwardly 40 feet. (App. p. 103.)

During 1863, following the suggestions of the Harbour Master, the Queen's Wharf was extended westwardly 200 feet, and, up to the end of 1864, a channel 400 feet in width, with a depth of 13 feet, had been secured.

The bar inside of the Eastern Gap had been thrown farther into the harbour, and had only 6 feet of water on it, thus limiting the passage to vessels of light draught. (App. p. 105.)

In his report for 1865, Captain Richardson stated that the Highlands of Scarborough, the source from which the materials composing the peninsula and island were derived, no longer existed, and therefore a wasting away of the latter was going on.

The western entrance maintained its width of 400 feet, and a depth varying from  $11\frac{1}{2}$  to  $14\frac{1}{2}$  feet, according to the height of the water in the lake. The island shoal still progressed westwardly, and during 34 years had increased in width 700 feet, or at the rate of 22 feet annually. (App. p. 107.)

Mr. Kivas Tully, Engineer to the Harbour Board, reported that during 1866, the western entrance remained at 400 feet in width, which was due to the extension of the Queen's Wharf westwardly (App. 108); and, in his report for 1867, again referred to the westerly increase of the island shoal, and stated that "the formation west of Lighthouse Point had increased during the last few years, and an additional tongue or arm" (now Hanlan's Point, see plan showing changes in the harbour during 1874, 1875 and 1879) "had formed, which trends in a northerly direction about 300 yards west of the island, making another bay; this formation no doubt will continue to increase." (App. p. 109.)

This tongue, or arm, now known as Hanlan's Point, has increased up to 1880 until it now extends northwardly beyond Gibraltar Point, and the shoal from it has been pushed forward yearly until in 1875 it had narrowed the western entrance to a width of 230 feet—see plan herewith.

In 1875 a report (App. p. 100 *et seq.*) was submitted to the Secretary of the Department of Public Works, by Mr. Wm. Kingsford, engineer in charge, who entered fully into the state and requirements of the harbour, and advised that the Parliamentary grant of \$20,000 should be expended in dredging, as "the present approach to Toronto by deep water necessitates an abrupt turn to enter the "Queen's Wharf Channel." In the improvement contemplated, easy entrance and egress should be secured;" and that "the increased navigation of the canal system of the Dominion points out that the entrance should ultimately be 16 feet deep."

Between 1st July, 1874, and 30th June, 1880, the sum of \$49,120.90 had been expended, principally in increasing the width and depth of the "Queen's Wharf Channel." Shortly after dredging was commenced it was found that, to obtain a depth of 16 feet at low water, it would be necessary to blast in solid ledge, and to a certain extent this was done. No attempt was made to straighten the abrupt turn, or

to render the channel any easier for entrance or exit, the object being the opening of a channel 300 feet in width with 16 feet of water on the old course.

On the plan of the western entrance herewith will be seen the encroachment of the point of the shoal northwardly, and the width of the navigable channel in 1863, 1875, 1879 and 1880.

A plan of the harbour is attached, showing its state in 1841 (?), and it may be compared with that showing the changes observed in the eastern and western entrances in the years 1874, 1875 and 1879.

At the Session of Parliament of 1880, the sum of \$12,500 was appropriated for expenditure in this harbour, part of that amount to be expended in dredging the western entrance, which in the spring of 1880, had been narrowed to 280 feet by the growth of the island shoal northward.

As the present entrance has been pronounced to be abrupt, and it is known that to obtain a depth of 16 feet at low water would necessitate the removal of a large quantity of solid rock at a very great expense, it was judged that—as in former years the entrance was some 500 yards in width with deep water, a comparatively straight cut might be made through the point of the shoal, and a depth of 16 feet obtained without touching the rock. A line of easy entrance from 18 feet outside to the same depth inside was laid out, and a series of borings made showed that a depth of 17 feet below zero of the gauge on the Queen's Wharf could be had without the removal of any rock. This line is about 700 feet to the southward of the Queen's Wharf, and dredging operations have been commenced in the removal of the point of the shoal northward of this line. The material to be removed is fine sand.

It has been deemed desirable to include in the Appendix a letter by Mr. J. G. Worts, the Chairman of the Harbour Board (p. 115), and also the petitions to His Excellency the Governor General from the Mayor and Corporation of the City of Toronto, and the Harbour Commissioners, praying that steps be taken by the Federal Government to protect the harbour and preserve it for the future. (p. 117, *et seq.*)

As, throughout the whole of the reports published in the appendix, constant reference is made to the height of water in Lake Ontario, and the effects its variation periodically has had upon the changes which have taken place in the peninsula, now island, bounding the harbour on the south, and in the harbour itself, there has been attached an article from the "Canadian Journal," vol. 2, entitled "Variations in the Level of the Lakes," which may not be out of place in connection with the object of this memorandum. Through the courtesy of Mr. Kivas Tully, C.E., who as Harbour Engineer has an intimate acquaintance with the harbour, and the many changes which have taken place during very many years, permission has been given to attach a copy of his paper on "The Fluctuations of Lake Ontario from the year 1854 to 1878," and of the chart prepared to accompany it. (App. p. 132.)

The writer believes that he has touched upon the salient points of the reports and documents which have been gathered and printed herewith. That it has been shown that in early days, nearly 100 years ago, the width of the western entrance was nearly 500 yards; that on each successive examination this width was found to be gradually lessening; that through natural causes an opening was made through the peninsula at the eastern end of the harbour, and that a wide and comparatively shallow entrance now exists; and that for nearly half a century it has been the desire of those interested in the welfare of the harbour that steps should be taken to ensure its preservation for the future; that though many reports have been made and suggestions and estimates of cost submitted, none have been adopted nor acted upon, even in part; and the same forces of Nature which have acted through past years are still acting unchecked to the detriment and possible destruction of the finest harbour on Lake Ontario.

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It may not be amiss here to state that the waters of the Don and the sewage from the city still empty into the harbour.

The questions have therefore arisen what course is to be pursued, what is to be done to preserve this harbour; and further is it necessary or desirable so to improve the eastern entrance as to maintain always a navigable depth of 16 feet; and to construct such works as may be required to restrain the encroachment of the Island shoal, and preserve the western entrance at such a width and depth as will give easy access and exit? On the proper solution of these questions depends the preservation of Toronto Harbour.

The writer has to acknowledge the assistance he has received from Mr. M. Baldwin, the Harbour Master, and Mr. Helliwell, the Deputy Harbour Master, in obtaining many of the reports published herewith; and his thanks are due to Mr. K. Tully, C. E., for his reports and paper on the lake levels.

Respectfully submitted,

HENRY F. PERLEY,

*Chief Engineer.*

CHIEF ENGINEER'S OFFICE,  
DEPARTMENT OF PUBLIC WORKS,  
April 11th, 1881.

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## RETURN

(145)

To an ORDER of the HOUSE OF COMMONS, dated 15th March, 1882 :—For a Copy of all Statements showing, in detail, the Money expended on Cowichan River, and Copy of the Surveyor's Report as to whether the said River was completed as per Contract, and how much Money was paid out of the sum voted for its improvement.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
6th April, 1882.

*Secretary of State.*


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## RETURN

(146)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882 :—For a Statement showing List of Articles on which Freight Rates have been lowered, with amount of Reduction, on the Prince Edward Island Railway since the year 1878 ; also, Copies of all Correspondence relating to further lowering of Rates, including Passenger Fares, charged on said Railway.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
6th April, 1882.

*Secretary of State.*


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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]



## COMPARATIVE STATEMENT

(146a)

OF Operations, Prince Edward Island Railway, from 30th June, 1875, to  
30th June, 1881.

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PRINCE EDWARD  
COMPARATIVE STATEMENT of Operations from

Fiscal Year.	Average Miles of Road Worked.	Earnings.	Working Expenses.	Profit.	Loss.	Per Train Mile.				Per Mile of Railway.			
						Earnings.	Working Expenses.	Profit.	Loss.	Earnings.	Working Expenses.	Profit.	Loss.
		\$	\$	\$	\$	cts.	cts.	cts.	cts.	\$	\$	.....	\$
1875-76.	199	118,061	214,930	.....	96,869	51·11	93·08	.....	41·95	593·27	1,080·05	.....	486·78
1876-77.	199	130,665	228,535	.....	97,830	53·66	93·83	.....	40·23	656·50	1,148·71	.....	492·11
1877-78.	199	135,900	221,600	.....	85,700	61·29	99·95	.....	38·66	682·91	1,113·56	.....	430·65
1878-79.	199	125,856	223,313	.....	97,457	51·69	91·72	.....	40·03	632·44	1,122·17	.....	489·73
1879-80.	199	112,851	164,640	.....	50,789	46·53	67·28	.....	20·75	572·11	827·33	.....	255·22
1880-81.	199	131,131	203,123	.....	71,992	51·35	79·54	.....	28·19	658·95	1,020·71	.....	361·76

## ISLAND RAILWAY.

30th June, 1875, to the 30th June, 1881.

Engine Mileage.	Car Mileage.	Tons of Freight Carried.	Tons of Freight carried per Mile of Railway.	Number of Passengers Carried.	Locomotives.				Average Tons of Freight Moved per Engine.	Capital Expenditure.
					Number purchased on Capital Account.	Number purchased to maintain stock charged to Working Expenses.	Number of Engines Condemned.	Total Stock running on Road.		
230,995	835,590	28,358	142	93,968	14	.....	.....	14	2,025	47,546
243,494	897,507	41,039	206	93,478	18	.....	.....	18	2,279	200,000
221,702	994,511	38,923	195	111,428	18	.....	.....	18	2,162	6,552
243,464	1,037,540	38,668	194	105,046	17	.....	1	17	2,274	40,129
244,691	1,010,483	37,266	186	90,533	18	2	2	18	2,067	16,540
255,353	1,122,419	45,336	227	102,937	18	.....	2	18	2,518	.....

## RETURN

(1466)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882 :—For copies of Petitions, Correspondence and all other papers, relating to the construction of a Branch Railway between Harmony Station, on the Prince Edward Island Railway, and East Point.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
11th May, 1882.

*Secretary of State.*

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17th February, 1879.—Messrs. Matthew, McLean & Co. transmitted a petition from the inhabitants of the eastern section of King's County, praying for further railway communication between Harmony Station and a suitable point in Elmira.

NOTE.—The original document has been mislaid, and the above extract from the journal of the Department can only be given.

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OTTAWA, 1st March, 1879.

GENTLEMEN,—I have to acknowledge the receipt of a petition transmitted by you from certain inhabitants of the eastern section of King's County, Prince Edward Island, praying for an extension of the line of railway from Harmony Station to a suitable point in Elmira, and to state that the matter has been duly noted.

I am, Gentlemen, your obedient servant,

F. BRAUN, Secretary.

Messrs. MATTHEW, McLEAN & Co.

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OTTAWA, 3rd April, 1882.

SIR,—We beg to call your attention to the subject of a branch railway from Harmony Station, on the Prince Edward Island Railway, to East Point.

The people residing in the eastern section of King's County labor under serious disadvantages from want of proper facilities for conveying their produce to market. Between East Point and Souris on the south side, a distance of sixteen miles, the road is extremely hilly, and in the fall of the year it is at times almost impassable.

Petitions numerously signed have been presented to your Department praying that a branch railway be built from Harmony to Elmira. The distance between those two points is only about eight miles over a perfectly level tract of country.

An important public work is now under course of construction at Campbell's Cove, which, when completed, will afford increased business facilities, as well as harbor accommodation for the farmers and fishermen residing along that section of the north shore. Within the last year or two no less than seven lobster canneries have been erected at and near this vicinity. Agriculture is successfully carried on at both

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the south and north sides of East Point, and if railway accommodation was extended as indicated, the farmers there could successfully compete with any other portion of the Dominion.

We, therefore, trust you will give this matter your favorable consideration, and order a survey of the proposed route at as early a date as possible.

We remain yours, &c.,

E. B. MUTTART,  
A. C. MACDONALD.

Hon. Sir CHARLES TUPPER, K.C.M.G., Minister of Railways and Canals, Ottawa.

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OTTAWA, 22nd April, 1882.

Sirs,—I have the honor to acknowledge the receipt of your letter of the 3rd inst., advocating, for reasons therein set forth, the building of a branch railway from Harmony Station, on the Prince Edward Island Railway, to East Point, a distance of about eight miles.

I am, Sirs, your obedient servant,  
F. BRAUN, Secretary.

Messrs. E. B. MUTTART, M.P., and A. C. MACDONALD, M.P.,  
House of Commons, Ottawa.

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## RETURN

(147)

To an ORDER of the HOUSE OF COMMONS, dated 20th February, 1882 ;—  
For a return giving a summary statement for the six months ending December 31st, 1881, of the quantity and value of the exports from each Province and from the Dominion, of the produce of the mine, of the fisheries, of the forest, of animals and their produce, of agricultural products, and of manufactures, specifying in each case what is the produce of Canada and what is not the produce of Canada, and a recapitulation of the same. Also, a summary statement for each Province and for the Dominion, of the quantity and value of the total imports of the same list of articles during the same period ; a summary statement of the imports entered for consumption of the same list of articles, and quantity, value and duty during the same period, and a recapitulation of the same.

By command.

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
11th April, 1882.

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OTTAWA, April 8, 1882.

SIR,—I have the honor to transmit to you, herewith, the statements called for by the enclosed Address from the House of Commons, bearing date the 20th February last.

I have the honor to be, Sir,

Your obedient servant,

J. JOHNSON,

*Commissioner of Customs.*

E. J. LANGEVIN, Esq.,  
Under-Secretary of State,  
Ottawa.

**SUMMARY STATEMENT showing the Quantity and Value of Articles the Produce of the Forest, Animals and their Produce, and Agricultural Products Imported and Entered for Consumption in the Dominion of Canada during the Six Months ending 31st December, 1881.**

ARTICLES.	IMPORTED.		ENTERED FOR HOME CONSUMPTION.		DUTY.
	Quantity.	Value.	Quantity.	Value.	
<b>PRODUCE OF THE FOREST.</b>					
Lumber and Timber, N.E.S....	\$	195,426		\$	29,015 48
Barks, Logs, Boxwood, Mahogany, &c., Free.....	"	843,242		843,242	.....
Total Forest.....		1,038,668		988,312	29,015 48
<b>ANIMALS AND THEIR PRODUCE.</b>					
Horses.....	No.	936	913	47,905	9,581 00
Horned Cattle.....	"	5,237	5,011	90,384	18,076 80
Swine.....	"	1,262	1,262	14,050	2,809 96
Sheep.....	"	4,533	4,368	8,352	1,670 40
Swine, to be slaughtered in bond for exportation.....	Lbs.	4,143,408	40,046	1,908	381 60
Butter.....	"	233,115	59,910	16,092	2,396 44
Cheese.....	"	3,877,775	47,951	8,550	1,438 53
Furs, dressed.....	\$	202,799		207,971	31,195 65
Honey.....	Lbs.	7,873	7,873	1,355	236 18
Lard.....	"	1,365,196	891,403	108,786	17,828 06
Meats, viz.:					
Bacon & Hams, Shoulders and Sides.....	"	1,986,808	1,469,489	166,116	29,390 72
Beef.....	"	1,110,162	388,362	25,146	3,883 62
Mutton.....	"	9,994	724	724	99 94
Pork.....	"	7,880,249	7,302,367	634,344	73,023 67
Poultry and Game of all kinds.....	\$	7,126		7,206	1,441 10
Prepared Meats.....	Lbs.	345,313	346,766	43,292	6,938 78
Other Meats, N.E.S.....	"	16,477	16,789	2,016	335 80
Tallow.....	"	28,248	28,248	2,073	282 48
Wool, dutiable.....	"	21,332	21,332	10,594	639 96
Lard Oil.....	Galls.	13,198	13,517	10,713	2,142 53
Neatsfoot and all Animal Oil, N.E.S.....	"	4,275	1,785	1,491	298 13
<b>FREE.</b>					
Horses for improvement of Stock	No.	235	235	107,205	.....
Cattle.....	"	1,669	1,669	56,981	.....
Sheep.....	"	737	737	19,638	.....
Swine.....	"	51	51	984	.....
Eggs.....	Doz.	25,126	25,126	4,775	.....
Fur Skins, not dressed.....	\$	180,003		180,003	.....
Hides, raw, Hoofs, Horns and Tips and Pelts.....	"	1,086,940		1,086,940	.....
Wool, unmanufactured, N.E.S.	Lbs.	4,480,772	4,480,772	833,965	.....
Other articles, viz.: Bones, Bristles, Hair, Grease, &c....	\$	174,979		174,979	.....
Total Animals, &c.....		4,819,172		3,874,538	204,091 35

## SUMMARY STATEMENT—Dominion of Canada—Continued.

ARTICLES.	IMPORTED.		ENTERED FOR HOME CONSUMPTION.		DUTY.
	Quantity.	Value.	Quantity.	Value.	
AGRICULTURAL PRODUCTS.					
		\$		\$	\$ cts.
Barley .....	Bush. 6,526	4,052	6,526	4,052	979 01
Beans.....	" 2,607	4,759	2,649	4,795	397 85
Buckwheat.....	" 80	40	80	40	8 00
Indian Corn.....	" 2,864,506	1,678,637	944,136	548,036	70,811 48
Oats.....	" 48,973	21,603	48,935	21,667	4,903 66
Peas.....	" 944	2,015	944	2,015	94 37
Eye.....	" 1,443	1,655	1,443	1,655	144 30
Wheat.....	" 2,298,121	2,614,988	44,730	42,916	6,709 64
Bran, Mill Feed, &c.....	\$	21,027		21,052	4,210 58
Buckwheat Meal or Flour.....	Lbs. 15,548	734	15,548	734	38 88
Indian or Corn Meal.....	Brls. 79,459	232,274	79,359	231,491	31,743 62
Oatmeal.....	Lbs. 57,377	2,206	58,577	2,252	292 87
Rye Flour.....	Brls. 25	156	25	156	12 75
Wheat Flour.....	" 97,038	498,315	77,436	398,893	38,718 61
Other Breadstuffs.....	\$	10,008		9,835	1,967 12
Grain, Flour & Meal, damaged.....	"	7,783		7,788	1,557 60
Fruits, green, viz:—					
Apples.....	Brls. 15,549	37,288	15,512	37,265	6,204 89
Blackberries, Gooseberries, Raspberries, Strawber- ries, Cranberries, Plums and Quinces.....	\$	12,857		12,857	1,557 77
Cherries and Currants.....	Qts. 11,987	940	11,987	940	119 87
Grapes.....	Lbs. 403,709	33,522	398,361	32,840	7,967 21
Peaches.....	Bush. 11,647	27,062	11,647	27,062	4,651 21
Hay.....	Tons. 70	867	70	857	173 40
Hops.....	Lbs. 109,663	29,125	104,416	28,228	6,266 76
Malt.....	Bush. 4,794	4,635	4,054	3,548	608 23
Seeds of all kinds.....	\$	27,723		27,885	4,388 52
Straw.....	"	2,042		2,042	408 40
Vegetables, all kinds including Potatoes.....	"	58,173		57,860	12,460 91
FREE.					
Broom Corn.....	\$	111,375		111,375	
Hemp, undressed.....	Cwt. 24,967	189,830	24,967	189,830	
Tobacco leaf, unmanufactured.....	Lbs. 5,522,363	593,342	5,108,224	539,683	
All other Agricultural Pro- ducts, viz: Fibres, Grasses, Jute, &c, &c.....	\$	39,022		39,022	
Total, Agricultural Products.....		6,268,060		2,408,681	207,397 51

## RECAPITULATION.

Products of the Forest.....	1,038,668	988,312	29,015 48
Animals and their Produce.....	4,819,172	3,874,538	204,091 35
Agricultural Products.....	6,268,060	2,408,681	207,397 51
Total for Six Months ending 31st December, 1881.....	12,125,900	7,271,531	440,504 34

J. JOHNSON,  
Commissioner of Customs.

CUSTOMS DEPARTMENT,  
OTTAWA, 6th April, 1882.



SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported from each Province, and from the Dominion of Canada, during the Six Months ending the 31st December, 1881, specifying what is the Produce of Canada, and what is not the Produce of Canada, and a Recapitulation of the same.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>THE FOREST.</b>			\$		\$		\$
Ashes, Leached .....	Ontario .....		12,781				12,781
	Quebec .....		889				889
	Nova Scotia .....		14				14
			13,684				13,684
Ashes, Pot and Pearl		Brls.				Brls.	
	Ontario .....	2	54			2	54
	Quebec .....	7,057	194,626			7,057	194,626
		7,059	194,680			7,059	194,680
Bark for Tanning .....		Cords.				Cords.	
	Ontario .....	5,525	20,556			5,525	20,556
	Quebec .....	34,327	174,401			34,327	174,401
	Nova Scotia .....	1,315	4,958			1,315	4,958
	N. Brunswick .....	8,280	43,165			8,280	43,165
		49,447	243,080			49,447	243,080
Basswood, Butternut, &c.....		M. Ft.				M. Ft.	
	Ontario .....	11	113			11	113
	Quebec .....	1,308	31,819			1,308	31,819
		1,319	31,932			1,319	31,932
Firewood.....		Cords.				Cords.	
	Ontario .....	78,470	149,717			78,470	149,717
	Quebec .....	4,776	6,655			4,776	6,655
	Nova Scotia .....	26,972	87,206			26,972	87,206
	N. Brunswick .....	7,102	8,095			7,102	8,095
	P. E. Island .....	22	32			22	32
		117,342	251,705			117,342	251,705
Hop, Hoop, Telegraph and other Poles							
	Ontario .....		73,947				73,947
	Quebec .....		14,818				14,818
	Nova Scotia .....		13,030				13,030
	N. Brunswick .....		6,140				6,140
			107,935				107,935
Knees and Futtocks.		Pieces.				Pieces.	
	Ontario .....	865	1,440			865	1,440
	Quebec .....	2,555	2,555			2,555	2,555
	Nova Scotia .....	4,320	3,795			4,320	3,795
	N. Brunswick .....	1,918	2,510			1,918	2,510
		9,658	10,309			9,658	10,309

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>THE FOREST—Con.</b>		<b>Cords.</b>	<b>\$</b>		<b>\$</b>	<b>Cords.</b>	<b>\$</b>
Lathwood.....	Quebec .....	467	3,902			467	3,902
	Nova Scotia ...	20	70			20	70
	N. Brunswick.	33	229			33	229
		520	4,201			520	4,201
Logs, Oak.....		<b>M. Ft.</b>				<b>M. Ft.</b>	
	Ontario .....	4,603	64,513			4,603	64,513
	Quebec .....	158	7,819			158	7,819
	Nova Scotia ...	50	300			50	300
		4,811	72,632			4,811	72,632
do Pine.....		<b>M. Ft.</b>				<b>M. Ft.</b>	
	Ontario .....	226	5,009			226	5,009
	Quebec .....	3	18			3	18
		229	5,027			229	5,027
do Spruce.....	Quebec .....	<b>M. Ft.</b>				<b>M. Ft.</b>	
		2,249	7,285			2,249	7,285
do Tamarac.....		<b>M. Ft.</b>				<b>M. Ft.</b>	
	Quebec .....	263	2,707			263	2,707
	Nova Scotia ...	30	250			30	250
		293	2,957			293	2,957
" Other.....		<b>M. Ft.</b>				<b>M. Ft.</b>	
	Ontario .....	17,358	51,776			17,358	51,776
	Quebec .....	1,508	27,779			1,508	27,779
	Nova Scotia ...	326	5,093			326	5,093
	19,192	84,648			19,192	84,648	
Battens.....		<b>Pieces.</b>				<b>Pieces.</b>	
	Quebec .....	19,299	5,647			19,299	5,647
	Nova Scotia ...	240	31			240	31
	N. Brunswick.	18,205	3,309			18,205	3,309
	37,744	8,987			37,744	8,987	
Deals .....		<b>S. Hund.</b>		<b>S. Hund.</b>		<b>S. Hund.</b>	
	Ontario .....	50	1,300			50	1,300
	Quebec .....	70,797	2,916,158	91	3,267	70,888	2,919,425
	Nova Scotia ...	25,231	518,790			25,231	518,790
	N. Brunswick.	95,485	2,419,871	4,732	132,486	100,217	2,552,357
	P. E. Island ...	889	13,934			889	13,934
	192,452	5,870,053	4,823	135,753	197,275	6,005,806	

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>THE FOREST—Con.</b>		S. Hund.	\$	S. Hund.	\$	S. Hund.	\$
Deal Ends.....	Quebec .....	2,400	97,394			2,400	97,394
	Nova Scotia ...	512	9,294			512	9,294
	N. Brunswick...	4,570	78,734	18	243	4,588	78,977
	P. E. Island ...	34	381			34	381
		7,516	185,803	18	243	7,543	186,046
Laths, Palings and Pickets.....	Ontario .....	M. 45,500	49,086	M.		M. 45,500	49,086
	Quebec .....	959	8,038			959	8,038
	Nova Scotia ...	7,308	7,903			7,308	7,903
	N. Brunswick...	50,711	60,705	37,259	44,252	87,970	104,957
	B. Columbia...	1,536	4,374			1,536	4,374
	P. E. Island ...	23	97			23	97
		106,087	130,203	37,259	44,252	143,346	174,455
Planks, Boards and Joists .....	Ontario .....	M. Ft. 324,341	3,859,353	M. Ft.		M. Ft. 324,341	3,859,353
	Quebec .....	64,919	686,875			64,919	686,875
	Nova Scotia ...	28,805	263,313			28,805	263,313
	N. Brunswick...	16,722	138,107	16,464	160,457	33,186	298,564
	B. Columbia...	16,362	187,659			16,362	187,659
	P. E. Island ...	80	953			80	953
		451,229	5,136,260	16,464	160,457	467,693	5,296,717
Scantling .....	Quebec .....	M. Ft. 5,734	48,206	M. Ft.		M. Ft. 5,734	48,206
	Nova Scotia ...	1,054	7,175			1,054	7,175
	N. Brunswick...	7,525	51,815	1,616	16,014	9,141	67,829
		14,313	107,196	1,616	16,014	15,929	123,210
Staves, Standard.....	Quebec .....	M. 296	98,325	M. 126	46,728	M. 422	145,053
	Nova Scotia ...	23	378			23	378
	N. Brunswick...	100	800			100	800
	P. E. Island ...	31	220			31	220
		450	99,723	126	46,728	576	146,451
Staves, Other, and Headings .....	Ontario .....	13,835	65,469			13,835	65,469
	Quebec .....	440	32,396	153	14,345	593	46,741
	Nova Scotia ...	289	2,080			289	2,080
	N. Brunswick...	202	1,022			202	1,022
		14,766	100,967	153	14,345	14,919	115,312

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>THE FOREST—Con.</b>							
Lumber, all other ...			\$		\$		\$
	Ontario.....		12,334				12,334
	Quebec.....		25,291				25,291
	Nova Scotia ...		504				504
	N. Brunswick.		3,023		1,485		4,508
			41,152		1,485		42,637
		Pieces.				Pieces.	
Masts and Spars.....	Ontario.....	10	400			10	400
	Quebec.....	228	1,788			228	1,788
	Nova Scotia ...	16,325	8,368			16,325	8,368
	N. Brunswick.	903	1,354			903	1,354
		17,466	11,910			17,466	11,910
Oars.....	Nova Scotia ...	Pairs.				Pairs.	
		171	286			171	286
Shingles.....		M.		M.		M.	
	Ontario.....	32,365	75,237			32,355	75,237
	Quebec.....	7,883	15,989			7,883	15,989
	Nova Scotia ...	3,882	6,734			3,882	6,734
	N. Brunswick.	1,233	2,454	17,689	35,231	18,922	37,685
	B. Columbia...	372	746			372	746
		45,725	101,160	17,689	35,231	63,414	136,391
Shingle Bolts.....	Ontario.....	Cords.				Cords.	
		227	593			227	593
Sleepers and Railroad Ties.....		Pieces.				Pieces.	
	Ontario.....	909,936	208,568			909,936	208,568
	Quebec.....	98,310	60,486			98,310	60,486
	Nova Scotia ...	38,683	7,316			38,683	7,316
	N. Brunswick.	377,691	39,449			377,691	39,449
	B. Columbia...	400	154			400	154
		1,425,020	315,973			1,425,020	315,973
Stave Bolts.....	Ontario.....	Cords.				Cords.	
		23,226	50,817			23,266	50,817
Sugar Box Shooks.....		No.				No.	
	Ontario.....	54,958	19,558			54,958	19,558
	Nova Scotia ...	1,010	273			1,010	273
	N. Brunswick.	49,972	27,216			49,972	27,216
		105,940	47,047			105,940	47,047

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>THE FOREST—Con.</b>		Tons.	\$	Tons.	\$	Tons.	\$
Timber, Square, Ash.	Ontario..... Quebec.....	23 7,353	275 91,757	..... 6	..... 74	23 7,359	275 91,831
		7,376	92,032	6	74	7,382	92,106
" " Birch.	Quebec..... Nova Scotia... N. Brunswick... P. E. Island...	172 6,094 6,217 115	52,972 28,451 39,187 458	..... ..... ..... .....	..... ..... ..... .....	172 6,094 6,217 115	52,972 28,451 39,187 458
		12,598	121,068	.....	.....	12,598	121,068
" " Elm.	Quebec.....	Tons. 15,063	187,350	Tons. 221	2,850	Tons. 15,284	190,200
" " Maple.	Quebec.....	Tons. 842	11,244	Tons. 2	29	Tons. 844	11,273
Timber, Square, Oak	Ontario..... Quebec.....	Tons. 308 33,932	4,236 677,382	Tons. ..... 3,441	..... 67,243	Tons. 308 37,373	4,236 744,625
		34,240	681,618	3,441	67,243	37,681	748,861
" Pine, White	Ontario..... Quebec..... N. Brunswick.	4,856 165,067 2,590	4,292 1,896,598 20,947	..... 3,527	..... 55,150	4,856 168,594 2,590	4,292 1,951,748 20,947
		172,513	1,921,837	3,527	55,150	176,040	1,976,987
" Pine, Red.	Quebec.....	8,922	169,406	287	3,752	287	3,752
" All other...	Ontario..... Quebec..... Nova Scotia... N. Brunswick.	1,755 3,948 171 1,687	1,082 72,757 3,815 7,965	..... 547	..... 21,322	1,755 4,495 171 1,756	1,082 94,079 3,815 8,866
		7,561	85,619	616	22,223	8,177	107,842
Other Woods.....	Ontario..... Quebec..... Nova Scotia... N. Brunswick... P. E. Island...	..... ..... ..... ..... .....	79,992 37,383 3,575 2,867 20	..... ..... ..... ..... .....	..... ..... ..... 167 .....	..... ..... ..... ..... .....	79,992 37,383 3,575 3,034 20
		.....	123,837	.....	167	.....	124,004

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.

## RECAPITULATION.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.		
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	
PRODUCTS OF THE FOREST.			\$		\$		\$	
Total Value for Six Months ending 31st December, 1881....								
	Ontario.....		4,812,498				4,812,498	
	Quebec.....		7,668,715		214,760		7,883,475	
	Nova Scotia....		983,002				983,002	
	N. Brunswick....		2,958,973		391,236		3,350,209	
	B. Columbia....		192,933				192,933	
	P. E. Island....		16,095				16,095	
Grand Total....			16,632,216		605,996		17,238,212	
ANIMALS AND THEIR PRODUCE.		No.		No.		No.		
Horses.....	Ontario.....	4,235	468,229	3	1,000	4,238	469,229	
	Quebec.....	2,661	258,945	24	8,930	2,685	267,875	
	Nova Scotia....	109	7,290			109	7,290	
	N. Brunswick....	297	29,106			297	29,106	
	Manitoba.....			23	2,125	23	2,125	
	P. E. Island...	59	4,510			59	4,510	
		7,361	768,080	50	12,055	7,411	780,135	
Horned Cattle.....	Ontario.....	No. 5,895	146,371	No. 1	250	No. 5,896	146,621	
	Quebec.....	30,371	1,609,410	228	27,622	30,599	1,637,032	
	Nova Scotia....	4,062	119,391			4,062	119,391	
	N. Brunswick....	29	667			29	667	
	P. E. Island....	235	5,660			235	5,660	
			40,592	1,881,499	229	27,872	40,821	1,909,371
Swine.....	Ontario.....	No. 986	3,871			No. 986	3,871	
	Quebec.....	3	14			3	14	
	Nova Scotia....	108	609			108	609	
	P. E. Island...	35	159			35	159	
			1,132	4,653			1,132	4,653
			No. 138,750	432,853			No. 138,750	432,853
Sheep.....	Ontario.....	138,750	432,853			138,750	432,853	
	Quebec.....	115,157	549,956			115,157	549,956	
	Nova Scotia....	6,219	18,821			6,219	18,821	
	N. Brunswick....	21,030	57,628			21,030	57,628	
	P. E. Island...	2,576	13,829			2,576	13,829	
			283,732	1,073,087			283,732	1,073,087

**SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.**

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS. PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>ANIMALS, ETC.—Con.</b>			\$		\$		\$
<b>Poultry and other Animals.....</b>	Ontario.....		71,026				71,026
	Quebec.....		39,030				39,030
	Nova Scotia.....		1,058				1,058
	N. Brunswick.....		5,203				5,203
	P. E. Island.....		1,555				1,555
			117,872				117,872
<b>Bones.....</b>		Cwt.				Cwt.	
	Ontario.....	21,688	14,089			21,688	14,089
	Quebec.....	3,374	4,369			3,374	4,369
	Nova Scotia...	1,376	880			1,376	880
	N. Brunswick.....	400	218			400	218
	B. Columbia....	200	150			200	150
		27,038	19,706			27,038	19,706
<b>Butter.....</b>		Lbs.		Lbs.		Lbs.	
	Ontario.....	1,872,023	362,773			1,872,023	362,773
	Quebec.....	8,749,589	1,721,348	174,377	38,747	8,923,966	1,760,095
	Nova Scotia...	647,008	103,794	1,025	123	648,033	103,917
	N. Brunswick.....	45,507	6,765			45,507	6,765
	P. E. Island....	69,432	12,490			69,432	12,490
		11,383,559	2,207,170	175,402	38,870	11,558,961	2,246,040
<b>Cheese.....</b>		Lbs.		Lbs.		Lbs.	
	Ontario.....	11,209,304	1,227,896			11,209,304	1,227,896
	Quebec.....	25,910,641	2,794,821	3,669,789	387,584	29,580,430	3,182,405
	Nova Scotia....	3,926	484			3,926	484
		37,123,871	4,023,201	3,669,789	387,584	40,793,660	4,410,785
<b>Eggs.....</b>		Doz.				Doz.	
	Ontario.....	3,965,467	607,655			3,965,467	607,655
	Quebec.....	788,584	143,833			788,584	143,833
	Nova Scotia...	242,761	35,153			242,761	35,153
	N. Brunswick.....	402,691	65,403			402,691	65,403
	P. E. Island....	448,680	72,539			448,680	72,539
		5,848,183	924,583			5,848,183	924,583
<b>Furs, dressed and undressed.....</b>							
	Ontario.....		11,320				11,320
	Quebec.....		151,146		2,391		153,537
	Nova Scotia...		2,788				2,788
	N. Brunswick.....		440				440
	Manitoba.....		504,159				504,159
	B. Columbia....		156,250				156,250
	P. E. Island....		36				36
			826,139		2,391		828,530

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
			\$		\$		\$
Grease and Scraps ...	Ontario.....		1,377				1,377
	P. E. Island.....		62				62
			1,439				1,439
Hides, Skins, Horns and Hoofs.....	Ontario.....		80,620				80,620
	Quebec.....		45,786		441		46,227
	Nova Scotia...		6,642				6,642
	N. Brunswick..		10,450				10,450
	Manitoba.....		14,952		159		15,111
	B. Columbia...		24,245				24,245
	P. E. Island...		6,405				6,405
			189,100		600		189,700
Honey.....		Lbs.		Lbs.		Lbs.	
	Ontario.....	575	85			575	85
	Quebec.....	1,539	195			1,539	195
	P. E. Island...	40	8			40	8
		2,154	288			2,154	288
Lard.....	Ontario.....	25,872	2,475			25,872	2,475
	Quebec.....	200	30	683,029	69,866	683,229	69,896
	Nova Scotia...	863	114	200	30	1,063	144
	P. E. Island...	1,254	177			1,254	177
			28,189	2,796	683,229	69,896	711,418
Bacon.....	Ontario.....	4,380,679	473,763			4,380,679	473,763
	Quebec.....	2,612,270	281,257	1,070,530	116,625	3,682,800	397,882
	Nova Scotia...	50	7			50	7
	Manitoba.....			94	14	94	14
			6,992,999	755,027	1,070,624	116,639	8,063,623
Beef.....	Ontario.....	34,130	3,469			34,130	3,469
	Quebec.....	34,610	1,981	193,800	14,896	228,410	16,877
	Nova Scotia...	308,188	18,705	55,106	3,170	363,294	21,875
	N. Brunswick..	54,466	4,851			54,466	4,851
	Manitoba.....			1,160	116	1,160	116
	B. Columbia...			400	30	400	30
	P. E. Island...	133,365	7,554			133,365	7,554
		564,759	36,560	250,466	18,212	815,225	54,772



SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—*Continued.*

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
ANIMALS, ETC.— <i>Con.</i>		Lbs.	\$	Lbs.	\$	Lbs.	\$
Hams .....	Ontario .....	347,542	35,017	.....	.....	347,542	35,017
	Quebec .....	25,703	2,817	1,200	122	26,903	2,939
	Nova Scotia ..	500	58	.....	.....	500	58
	Manitoba .....	.....	.....	165	23	165	23
		373,745	37,892	1,365	145	375,110	38,037
Mutton.....	Ontario .....	38,867	2,336	.....	.....	38,867	2,336
	Nova Scotia ..	20,534	967	.....	.....	20,534	967
	N. Brunswick ..	65,285	4,720	.....	.....	65,285	4,720
	P. E. Island ...	59,239	2,828	.....	.....	59,239	2,828
		183,925	10,851	.....	.....	183,925	10,851
Pork.....	Ontario .....	144,805	13,682	14,000	1,260	158,805	14,922
	Quebec .....	551,685	47,477	524,200	45,025	1,075,885	92,502
	Nova Scotia ...	149,023	7,633	33,800	2,765	182,823	10,399
	N. Brunswick ..	200	16	200	17	400	33
	P. E. Island ...	75,162	5,585	.....	.....	75,162	5,585
		920,875	74,378	572,200	49,067	1,493,075	123,440
Tongues.....	Ontario .....	7,762	620	.....	.....	7,762	620
	Quebec .....	49,490	3,780	.....	.....	49,490	3,780
	N. Brunswick ..	3,955	308	.....	.....	3,955	308
	P. E. Island ...	50	5	.....	.....	50	5
		61,257	4,713	.....	.....	61,257	4,713
Venison .....	Ontario .....	800	40	.....	.....	800	40
Meats, Other .....	Ontario .....	3,319	231	.....	.....	3,319	231
	Quebec.....	404,338	34,151	5,000	194	409,338	34,345
	Nova Scotia ...	87,498	9,563	132	45	87,630	9,608
	N. Brunswick ..	23,180	1,553	.....	.....	23,180	1,553
	P. E. Island ...	137,983	13,070	.....	.....	137,983	13,070
		656,318	58,568	5,132	239	661,450	58,807
Sheep Pelts.....	Ontario .....	No.	No.	No.	No.	No.	No.
	Nova Scotia ...	15,519	4,467	.....	.....	15,519	4,467
	N. Brunswick ..	4,100	1,025	.....	.....	4,100	1,025
		15	4	.....	.....	15	4
		19,634	5,496	.....	.....	19,634	5,496
Oil, Animal.....	Quebec.....	.....	.....	Galls.	Galls.	Galls.	Galls.
		.....	.....	2,490	2,000	2,490	2,000

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
		Lbs.	\$	Lbs.	\$	Lbs.	\$
ANIMALS, ETC.— <i>Con.</i> Tallow.....	Nova Scotia...	125	8	.....	.....	125	8
	P. E. Island...	137	8	.....	.....	137	8
		262	16	.....	.....	262	16
Wool.....	Ontario.....	495,080	118,820	15,466	3,863	510,536	122,683
	Quebec.....	29,000	7,008	.....	.....	29,000	7,008
	Nova Scotia...	600	200	.....	.....	600	200
	N. Brunswick.	10,970	2,599	153,634	20,239	164,604	22,838
	Manitoba.....	380	95	.....	.....	380	95
	B. Columbia..	35,397	5,892	.....	.....	35,397	5,892
		571,427	134,614	169,090	24,102	740,517	158,716
Other Articles.....	Ontario.....	.....	5,158	.....	25	.....	5,183
	Quebec.....	.....	8,465	.....	13,343	.....	21,808
	Nova Scotia...	.....	1,872	.....	.....	.....	1,872
	N. Brunswick.	.....	1,452	.....	.....	.....	1,452
	P. E. Island...	.....	569	.....	.....	.....	569
			.....	17,516	.....	13,368	.....

## RECAPITULATION.

PRODUCTS OF ANIMALS. Total value for Six Months ending 31st December, 1881....	Ontario.....	4,088,223	.....	6,398	.....	4,094,621
	Quebec.....	7,705,819	.....	727,786	.....	8,433,605
	Nova Scotia...	337,062	.....	6,133	.....	343,195
	N. Brunswick.	191,383	.....	20,256	.....	211,639
	Manitoba.....	519,206	.....	2,437	.....	521,643
	B. Columbia..	186,537	.....	30	.....	186,567
	P. E. Island...	147,049	.....	.....	.....	147,049
Grand Total....		13,175,279	.....	763,040	.....	13,938,319

AGRICULTURAL PRODUCTS.		Cwt.		Cwt.			
Bran.....	Ontario.....	30,181	16,255	.....	30,181	16,255	
	Quebec.....	9,919	10,348	.....	9,919	10,348	
		40,100	26,603	.....	40,100	26,603	
Flax.....	Ontario.....	3,750	48,709	.....	3,750	48,709	
	Quebec.....	3	22	250	2,545	253	2,567
		3,753	48,731	250	2,545	4,003	51,276

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
AGRICULTURAL PRODUCTS—Continued.							
Flax Seed .....	N. Brunswick.	Bush. 20	\$ 21			Bush. 20	\$ 21
Fruit—Green .....	Ontario.....	Brls. 77,264	154,325	Brls.		Brls. 77,264	154,325
	Quebec.....	75,057	263,248	33	63	75,090	263,311
	Nova Scotia...	18,041	43,614			18,041	43,614
	N. Brunswick...	666	2,228			666	2,228
	P. E. Island...	31	95			31	95
		171,059	403,510	33	63	171,092	403,573
Barley.....	Ontario.....	Bush. 7,837,793	6,999,180			Bush. 7,837,793	6,999,180
	Quebec.....	267,588	187,921			267,588	187,921
	Nova Scotia...	11	12			11	12
	P. E. Island...	2,374	1,757			2,374	1,757
			8,107,766	7,188,870			8,107,766
Beans .....	Ontario.....	Bush. 39,721	74,388			Bush. 39,721	74,388
	Quebec.....	11,725	21,489			11,725	21,489
	Nova Scotia...	6	8			6	8
			51,452	95,885			51,452
Indian Corn.....	Ontario.....	Bush.		Bush. damaged. 16,000	3,400	Bush. 16,000	3,400
	Quebec.....	1	1	1,875,456	1,090,409	1,875,457	1,090,410
	Nova Scotia...			752	651	752	651
			1	1	1,892,208	1,094,460	1,892,209
Oats .....	Ontario.....	Bush. 1,725	646			Bush. 1,725	646
	Quebec.....	680,617	301,000			680,617	301,000
	Nova Scotia...	16,745	8,504			16,745	8,504
	N. Brunswick...	2,000	818			2,000	818
	P. E. Island...	958,679	396,761			958,679	396,761
			1,659,766	707,729			1,659,766
Peas .....	Ontario.....	Bush. 284,122	294,991	Bush.		Bush. 284,122	294,991
	Quebec.....	1,745,620	1,565,509			1,745,620	1,565,509
	Nova Scotia...	281	369	3	5	284	374
			2,030,023	1,860,869	3	5	2,030,026

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
AGRICULTURAL PRODUCTS—Continued.		Bush.	\$		\$	Bush.	\$
Rye .....	Ontario .....	481,341	449,942			481,341	449,942
	Quebec .....	292,823	292,823			292,823	292,823
		774,164	742,765			774,164	742,765
Wheat .....		Bush.		Bush.		Bush.	
	Ontario .....	1,027,165	1,398,324			1,027,165	1,398,324
	Quebec .....	1,639,226	2,260,124	2,220,122	2,510,712	3,859,348	4,770,836
	Manitoba .....	11,652	10,486			11,652	10,486
		2,678,043	3,668,934	2,220,122	2,510,712	4,898,165	6,179,646
Other Grain .....		Bush.				Bush.	
	Ontario .....	31,466	20,895			31,466	20,895
	Quebec .....	17,724	10,641			17,724	10,641
		49,190	31,536			49,190	31,536
Flour of Wheat .....		Brls.		Brls.		Brls.	
	Ontario .....	144,363	840,122	10,434	22,798	154,797	862,920
	Quebec .....	125,040	725,886	23,449	118,355	148,489	844,241
	Nova Scotia ..	4,074	28,529	879	4,663	4,953	33,192
	N. Brunswick ..	5	39			5	39
	P. E. Island ...	60	429			60	429
		273,542	1,595,005	34,762	145,816	308,304	1,740,821
Indian Meal .....		Brls.		Brls.		Brls.	
	Ontario .....	1	6			1	6
	Nova Scotia ...	17	69	367	1,095	384	1,164
		18	75	367	1,095	385	1,170
Oatmeal .....		Brls.		Brls.		Brls.	
	Ontario .....	5,139	20,641			5,139	20,641
	Quebec .....	19,226	70,391			19,226	70,391
	Nova Scotia ...	39	229	2	12	41	241
	N. Brunswick ..	8	46			8	46
	P. E. Island ...	23	127			23	127
		24,435	91,434	2	12	24,437	91,446
Meal, all other .....		Brls.		Brls.		Brls.	
	Ontario .....	420	2,117			420	2,117
	Quebec .....	532	2,148	805	2,265	1,337	4,413
	N. Brunswick ..	12	43			12	43
		964	4,308	805	2,265	1,769	6,573

**SUMMARY STATEMENT** showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—*Continued.*

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>AGRICULTURAL PRODUCTS—Continued.</b>							
		Tons.	\$		\$	Tons.	\$
Hay .....	Ontario .....	9,248	82,130			9,248	82,130
	Quebec .....	26,630	282,024			26,630	282,024
	Nova Scotia ...	588	6,073			588	6,073
	N. Brunswick.	508	5,340			508	5,340
	P. E. Island ...	421	4,575			421	4,575
		37,395	380,142			37,395	380,142
		Cwt.				Cwt.	
Hemp .....	Ontario .....	20	100			20	100
		Lbs.				Lbs.	
Hops .....	Ontario .....	97,784	17,061			97,784	17,061
	Quebec .....	85,572	20,129			85,572	20,129
	B. Columbia...	2,835	567			2,835	567
		186,191	37,757			186,191	37,757
		Lbs.				Lbs.	
Malt .....	Ontario .....	18,625,746	477,209			18,625,746	477,209
	Quebec .....	3,600	100			3,600	100
	B. Columbia...	2,016	65			2,016	65
		18,631,362	477,374			18,631,362	477,374
		Lbs.				Lbs.	
Maple Sugar .....	Quebec .....	272,095	20,368			272,095	20,368
		Bush.				Bush.	
Potatoes.....	Ontario .....	464,249	243,880			464,249	243,880
	Quebec .....	332,969	139,079			332,969	139,079
	Nova Scotia ...	465,900	283,792			465,900	283,792
	N. Brunswick.	170,254	102,542			170,254	102,542
	P. E. Island ...	762,460	337,368			762,460	337,368
		2,195,832	1,106,661			2,195,832	1,106,661
Seeds, other .....	Ontario .....		69,676		35		69,711
	Quebec .....		12,998				12,998
			82,674		35		82,709
		Tons.				Tons.	
Straw .....	Ontario .....	747	3,235			747	3,235
	Quebec .....	434	2,232			434	2,232
	Nova Scotia ...	33	309			33	309
		1,214	5,776			1,214	5,776

SUMMARY STATEMENT showing the Quantity and Value of Articles the Products of the Forest, of Animals and their Produce, and of Agricultural Products, Exported, &c.—Continued.

ARTICLES.	PROVINCES FROM WHICH EXPORTED.	GOODS, THE PRODUCE OF CANADA.		GOODS, NOT THE PRODUCE OF CANADA.		TOTAL EXPORTS, PRODUCE AND NOT PRODUCE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
<b>AGRICULTURAL PRODUCTS—Continued.</b>							
		Lbs.	\$	Lbs.	\$	Lbs.	\$
Tobacco, Leaf.....	Ontario .....	3,094	160	13,033	1,099	16,127	1,259
	Quebec .....			3,751	3,089	3,751	3,089
		3,094	160	16,784	4,188	19,878	4,348
Vegetables, other ....	Ontario .....		36,020				36,020
	Quebec .....		35,508				35,508
	Nova Scotia ...		23,817		236		24,053
	N. Brunswick ..		7,338				7,338
	P. E. Island ...		12,953				12,953
			115,636		236		115,872
Other Articles.....	Ontario .....		21,104		8		21,112
	Quebec .....		71,378				71,378
	Nova Scotia ...		790				790
	N. Brunswick ..		509				509
				93,781		8	

RECAPITULATION.

AGRICULTURAL PRODUCTS.	Quantity.	Value.	Quantity.	Value.
Total Value for Six months ending 31st December, 1881 ....				
Ontario .....	11,271,116		27,340	11,298,456
Quebec .....	6,235,367		3,727,438	9,962,805
Nova Scotia ...	296,115		6,662	402,777
N. Brunswick ..	118,924			118,924
Manitoba.....	10,486			10,486
B. Columbia...	632			632
P. E. Island ...	754,065			754,065
Grand Total Agricultural Products.....	18,766,705		3,761,440	22,548,145

J. JOHNSON,  
Commissioner of Customs.

CUSTOMS DEPARTMENT,  
OTTAWA, 6th April, 1882.

## RETURN

(148)

To an ORDER of the HOUSE OF COMMONS, dated 2nd March, 1882:—For a Return of all Claims presented for Drawbacks on Goods manufactured for Export since January 22nd, 1881, showing the names of all Applicants, their place of Business, the Articles on which the Drawback was claimed, and the amount of each Claim, distinguishing between the Claims which have been allowed and those which have been disallowed and those under consideration and not yet decided, and giving the reason for such Disallowance; also, Copies of all Regulations made by the Department with reference to such Claims.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
6th April, 1882.

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## RETURN

(149)

To an ADDRESS of the HOUSE OF COMMONS, dated 27th February, 1882:—For a Copy of Judgment of the Court of Chancery and the Court of Appeal of Ontario in the case of McLaren *vs.* Caldwell *et al.*, also, Copies of any Correspondence between the Government of Ontario and the Dominion Government, relating to the Disallowance of the Streams Act.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
6th April, 1882.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]*

## RETURN

(149a)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882 :—  
For copies of all Correspondence, Petitions, Papers, Reports and Orders in Council, relating to an Act of the Legislature of the Province of Ontario, intituled : “ An Act for Protecting the Public Interests in Rivers and Streams and Creeks,” disallowed by His Excellency in Council, and a copy of the said Act.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
April, 1882.

*Secretary of State.*

To His Excellency the Right Honorable the MARQUIS OF LORNE, K.T., G.C.M.G., P.C.  
Governor General of Canada,

*In Council Assembled.*

The humble petition of Peter McLaren of the Town of Perth, in the County of Lanark, Province of Ontario, lumber manufacturer, sheweth :—

(1.) Your petitioner is the owner of a large steam saw mill and lumber yard situated at the Village of Carleton Place, in the County of Lanark, near the banks of the Mississippi River, which flows through the said village, and down which the logs required at such mill are driven during the season of navigation. Along this stream and its tributaries your petitioner is now and has for many years past been engaged in extensive lumbering and timber operations, in connection with which he usually has several hundred men constantly engaged during the whole year, and in which business he has embarked a great portion of his capital.

(2.) A few miles up the river from Carleton Place the first great natural obstruction, known as “ High Falls,” is met with. The bed of the stream at this point, and both above and below and on each side thereof, is vested in fee simple, absolute in your petitioner, who has expended a large sum of money in the purchase thereof from the former owners, who had spent considerable sums in clearing out the bed of the stream, and who had erected valuable improvements in the stream itself, consisting of dams and slides, and so rendered the stream at this point passable for timber and saw logs during freshets. Since your petitioner acquired the same he made considerable expenditure thereon in maintaining and repairing the said constructions erected, and in erecting others of a similar kind.

(3.) From High Falls to the head waters of the Mississippi, which head waters are known as “ Louise Creek,” and are situated in the Township of Denbigh, in the County of Lennox and Addington, a distance of about fifty miles on said stream, on the South Branch of the Mississippi, and on Swamp Creek and Bucksshot Creek, which are streams tributary to the Mississippi, which extend over a distance of more than 100 miles, your petitioner has, by his own private expenditure, established a vast and complete system of water communication by means of which he is enabled each year to float his logs down to the mill at Carleton Place and his timber to the Ottawa River.

(4.) The work of improving the said streams, so as to establish such system of water communication, was commenced above the High Falls nearly thirty years ago, and has been going on from time to time up to the present.



(5.) Your petitioner has at various times purchased, along the streams, upwards of 50 separate tracts of land, which were, and are of little or no use whatever, except for the construction of improvements thereon, for the purpose of rendering the streams navigable, such tracts of land covering the bed, and both sides of the stream at particular points. The work of improving consists generally of clearing out stones, deepening channels, blasting rocks, widening narrow places, erecting piers, side dams, reserving dams, slides and canals; but the greatest portion of the expenditure was incurred in the erection of dams and slides, to overcome the natural obstructions of rapids and falls.

(6.) Your petitioner has expended in the purchase of lands on which to construct such improvements, in the purchase of improvements already made, and in those which he has himself constructed, upwards of a quarter of a million of dollars.

(7.) Although it is true that, along the said stream and its tributaries, there are stretches of water which, without improvements, were capable of floating logs and timber, yet along almost the whole course of the main stream, and the aforesaid tributaries, the falls and rapids are so numerous and obstructive as to render such streams useless for floating purposes without the means afforded by such system of improvements.

(8.) For a great many years your petitioner has had complete and sole control of the said system of improvements, and his right to such control was, on all hands, conceded by settlers and lumbermen, in the section of the Province through which streams flow. Having such complete and sole control, your petitioner was enabled so to use the said system as to float down annually from the head waters of all the said streams, immense quantities of timber and saw-logs which could not have been brought down the same without the aid of the artificial means above referred to.

(9.) The great bulk of the timber along those streams is now to be found near the head waters, and the usual time occupied in driving logs from those points down to your petitioner's mill, at Carleton Place, even with the aid of the said improvements, is about three months, although the ordinary spring freshets do not last one-half of that time. Your petitioner is enabled by means of the great number of reserving dams, erected by him along the said streams, to retain the water therein, and to utilize it according to his judgment as the logs are coming down, and in this way to create artificial freshets which accompany the logs down long after the natural freshets have subsided; in fact, by reason of the improvements the whole of the said stream and the above mentioned tributaries from the "High Falls" to their head waters, now consist of a series of locks and artificial reservoirs which, being separated by one controlling power, is rendered effective for the work intended, but which, if not operated by one controlling power, would be ineffective and useless. Unless your petitioner had the sole control of this system of water power on the said streams, it would be impossible for him to work it so as to carry on his operations with any profit.

(10.) During the period of time anterior to the construction of the said improvements almost all the timber and saw-logs cut along the upper parts of the Mississippi and its tributaries were drawn by horses to the rivers adjacent to the Mississippi, and were brought to market by means of such rivers, it having been generally conceded by the lumbermen in those districts that the natural obstructions in the Mississippi and its tributaries were so formidable as to render it impracticable to improve them so as to render them navigable or floatable for timber or logs. In the purchases aforesaid, and in the course of the work of improving the said streams, and in the general lumbering operations of your petitioners, with the consequent expenditure thereabout, he has conferred great benefits upon the settlers, and has opened up for settlement large tracts of country which would otherwise have remained wilderness land.

(11.) None of the patents from the Crown to your petitioner, and to those under whom he claims the lands through which the said streams and the tributaries flow, and upon which he has erected such improvements, contain any reservation of right to the Crown or the public to the use of such streams in common with the patentees

respectively, and your petitioner when he expended his money as aforesaid was advised by counsel, and believed and still believes, that such streams where they passed through lands owned by him became his private property, and that he would be entitled to the free, uninterrupted and exclusive use and control of the same, and more particularly of the improvements erected by him thereon, and by those from whom he had purchased; and if he had believed that the general public would be entitled to the use of the same in common with himself, he would not have expended his capital thereon, and the said streams would probably to this day have been closed to the public because of the natural obstacles therein and their consequent uselessness for navigating purposes.

(12.) The conveyances and patents under which your petitioner claims title to the lands aforesaid, comprise all the great natural obstructions on the said streams and its tributaries, and every obstacle therein which it was difficult to overcome.

(13.) Your petitioner in his own right as riparian proprietor and as the locatee, patentee and grantee of the fee simple of the bed thereof, is the owner of such streams where they pass and flow through the lands owned by him, and has by the common law in force in this Province, full, free and unrestricted control of the same, with the right to use the same for his own private use and benefit inasmuch as the said streams are private streams and do not come within the denomination of navigable waters.

(14.) In the year 1847, by the Act of the late Province of Canada, 12 Vic., chap. 87, sec. 5, which was re-enacted in 1859, when the Statutes of the late Province of Upper Canada were revised, and which then became Chap. 48, sec. 15 of the Consolidated Statutes of Upper Canada, and which was again re-enacted in 1877, when the Statutes of the Province of Ontario were revised and which then became sec. 1 of Chap. 115 of the revised Statutes of Ontario, the right was given to the general public to float sawlogs and timber down the streams of this Province during the spring, summer and autumn freshets.

(15.) It is generally conceded that, in the absence of the legislation just referred to, all streams within this Province which do not come under the denomination "navigable rivers," and being therefore private property, are not open to the public for the purposes of driving timber and saw-logs, but that the right to the use of private property for such purposes is a right which can only be exercised by the consent of the owner.

(16.) In 1863 the first judicial construction was placed upon the Act, then being sec. 15 of chap. 48, of the Consolidated Statutes of Upper Canada. In the case of *Boale vs. Dickson*, decided in that year, and reported in the 13th volume of the Upper Canada Common Pleas Reports, at page 337, it was decided that the right given by the Act to the use of private streams extended only to such streams as in their natural state, without improvements, would, during freshets, permit saw-logs, timber, &c., to be floated down the same. This decision was followed in the case of *Whelan vs. McLachlan*, reported in the 16th volume of the said Common Pleas Reports, and in the case of *McLaren vs. Buck*, reported in the 26th volume of the same Reports. The Legislature of Ontario, having by sec. 1, chap. 115 Revised Statutes of Ontario, re-enacted sec. 15, chap. 48 Consolidated Statutes of Upper Canada in the same words, and after all these decisions it was assumed that that Legislature had adopted the construction placed upon the original Act by the Courts of the Province.

(17.) Your petitioner has always contended that the Mississippi and its branches above mentioned, were not affected by the said Acts, because they were not, when in a state of nature, capable of being used for floating timber or saw logs, even during the freshets, having been rendered available for that purpose solely by reason of your petitioner's improvements thereon, and your petitioner, until a short time ago, felt secure in his right to the full, free, uninterrupted and unrestricted use of his said improvements, relying, as he did, upon his legal rights thereto, and he continued annually to increase the improvements, to purchase more land along the said streams, and to spend considerable sums of money in maintaining the same and in extending his operations in the woods contiguous thereto.

(18.) In the autumn and winter of the years 1879 and 1880 the lumbering firm of "Boyd Caldwell & Son" commenced getting out timber and saw logs on a timber limit near the head waters of the Mississippi and Buckshot Creek, such limit being properly a Madawaska limit, and although they drew the square timber from said limit to the Madawaska River, yet, as their saw-mill is at Carleton Place, they drew logs to the Louise Creek and Buckshot Creek, intending to float the same down the said creeks and down the Mississippi to their mill, and, in so doing, to use the said improvements and also to interfere with your petitioner's own operations on the said streams. Your petitioner promptly notified the said firm that he would not allow them to use said improvements, and as they persisted in their attempt to use the improvements on Louise and Buckshot Creeks, your petitioner, on the 4th day of May, 1880, filed a Bill in Chancery of Ontario, praying, among other things, that his right in the said streams should be declared, and that the said parties should be restrained from using his said improvements and from driving logs through his said lands.

(19.) Before proceeding to a hearing and determination of the said Chancery suit, your petitioner offered to allow the logs of the said firm to pass down the said streams and over his improvements if the said parties would acknowledge his proprietary rights in such improvements and would pay a fair and reasonable compensation for the use of the same and the costs of the filing of the said Bill of complaint; but the said parties refused your petitioner's said offer, and announced their determination to resist your petitioner's rights to the utmost, and to establish that the said streams were open streams and that your petitioner had no right to interfere with the free use by the public of the same.

(20.) The examination of witnesses in the same cause took place at the Town of Brockville, on the 27th, 28th and 29th days of October last, and at the Town of Perth, on the 7th, 8th, 9th, 10th, 11th, 13th, 14th, 15th and 16th days of December last, before His Lordship Vice-Chancellor Proudfoot, who after hearing the evidence of over 100 witnesses and the arguments of counsel for both parties, pronounced a decree on the said last mentioned day, declaring that these portions of the Mississippi and Louise and Buckshot Creeks, which passed through your petitioner's lands were not, when in a state of nature, either navigable or floatable for saw-logs or other timber rafts and crafts down the same, and that your petitioner is entitled to the use of such portions of said streams freed from the interruption, molestation or interference of the defendants in the said suit, and that the latter had no right to the use of any part of the said streams where they passed through your petitioner's lands for the purpose of driving timber and saw-logs, and a perpetual injunction was awarded to your petitioner, restraining the defendants therein named from interfering with your petitioner's use of the said streams and from using your petitioner's improvements therein for the purpose of driving their timber and saw-logs.

(21.) Your petitioner has expended upwards of \$7,000 in obtaining the above declaration of his rights in the said streams.

(22.) The defendants, in the said Chancery suit, gave prompt notice of their intention to appeal to the Court of Appeal, for Ontario, against the said decree, and the said appeal is now pending in the said Court of Appeal.

(23.) After the filing of the said Bill of Complaint and during the progress of the said Chancery suit, your petitioner was repeatedly threatened by the Honorable the Commissioner of Crown Lands for the Province of Ontario, that, unless he abandoned his rights in the said streams, the Government of Ontario would cancel the licenses which your petitioner held for getting out timber on the limits tributary to the said streams, and the said Commissioner endeavored, by such threats, to force your petitioner to discontinue his said proceedings, which your petitioner refused to do, as he felt that the Government of Ontario had no right to interfere between him and a private firm, when he was simply asserting his legal rights.

(24.) The said firm of "Boyd, Caldwell & Son," having been defeated by the Court of Chancery, in their attempt to invade the rights of your petitioner, and as your petitioner believes, being advised, that the said decree was in accordance with

the law of this Province, applied to the Government of Ontario to introduce into the Legislature of Ontario a Bill for the purpose of depriving your petitioner of the benefit of the said decree and of enabling them to participate in the enjoyment of the rights in the said streams, for the acquisition of which your petitioner has paid so large a sum of money. In compliance, your petitioner believes, with such application, the Honorable the Commissioner of Crown Lands of Ontario, did, during the last Session of the Parliament of that Province, introduce the Bill which, with a few important amendments, was finally passed by the said Legislature, and received the assent of the Lieutenant-Governor, under the title of "An Act for Protecting the Public Interests in Rivers, Streams and Creeks."

(25.) Your petitioner most respectfully begs leave to submit to Your Excellency the pamphlet annexed to this petition and as forming part thereof containing,

(a.) A printed copy of the said Bill, as originally introduced into the Legislature of Ontario.

(b.) A protest issued by your petitioner against the passage of the said Bill, and which protest was in the hands of members of the Government of Ontario and of members of the Legislature of Ontario before the second reading of the said Bill was moved.

(c.) A record of the proceedings in the Legislative Assembly of Ontario, at the various stages of the Bill in that Legislature, together with the addresses of the members of the Legislature upon the Bill.

(d.) The said Bill as finally passed.

(e.) A few extracts from leading newspapers within the Province, containing expressions of public opinion in regard to the merits of the said Bill.

(26.) Your petitioner most respectfully and humbly submits :

Firstly. That the said Act is *ultra vires* the Legislature of Ontario, inasmuch as the questions assumed to be affected thereby relate exclusively to the trade and commerce of the Dominion of Canada, and therefore can only be dealt with by the Parliament of Canada.

Secondly. That the streams in question, although not navigable or floatable when in a state of nature, and unimproved, yet by reason of the expenditure of your petitioner in improving the same, have become navigable for certain purposes, and therefore the said streams are now under the exclusive control of the Dominion of Canada, and the Legislature of Ontario cannot legislate in respect thereto.

Thirdly. That the said Act is unconstitutional in this, that it assumes to deprive your petitioner of extensive and important private rights without providing adequate compensation therefor.

Fourthly. That the legislation embodied in the said Act is contrary to sound principles of legislation, because it is *ex post facto* in its operation, because it represents interference on the part of the Government, at the instance of one private individual, of his rights, because it declares that to be the law in the past, which the courts of the Province of Ontario have declared not to be the law, the decisions of such courts having been ratified and approved of by the Legislature of Ontario, upon the revision of the Statutes of Ontario, in the year 1877. Because the Legislature of Ontario has, without any demand in the public interest, assumed to interfere with private parties engaged in litigation, and while such litigation is still *sub judice*. Because it is in detriment of vested rights, and because it is at variance with the legislation of the Dominion of Canada in respect to the public use for timber and log driving purposes of improvements on private streams.

Your petitioner most respectfully and humbly submits ;

That an order should be made by Your Excellency for the disallowance of the said Act.

And your petitioner will ever pray.

PETER McLAREN.

GOVERNMENT HOUSE, OTTAWA, Thursday, 19th May, 1881.

PRESENT :

*His Excellency the Governor General in Council.*

Whereas the Lieutenant-Governor of the Province of Ontario with the Legislative Assembly of that Province, did on the 4th day of March, 1881, pass an Act which has been transmitted, entitled as follows, viz:—"An Act for protecting the Public Interests in Rivers, Streams and Creeks;"

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice recommending that the said Act should be disallowed;

His Excellency the Governor-General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is disallowed accordingly;

Whereof the Lieutenant Governor of the Province of Ontario, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

Certified,

J. O. COTÉ, C.P.C.

I, Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor-General of Canada, do hereby certify that the Act passed by the Legislature of Ontario, the 4th day of March, 1881, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks," was received by me on the 26th day of March, A. D., 1881.

Given under my hand and seal this 19th day of May, 1881.

LORNE.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor-General in Council, on 31st May, 1881.*

On a Report, dated 17th May, 1881, from the Honorable the Minister of Justice, with respect to an Act passed by the Legislature of the Province of Ontario at its last Session, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks;"

The Minister states that application for the disallowance of this Act has been made by Mr. Peter McLaren, of the Town of Perth, lumber manufacturer, on the ground in effect that the Act in question deprives him of vested private rights without compensation, &c.

For the reasons set forth in his Report, the Minister recommends that the Act passed by the Legislature of Ontario at its last Session, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks," be disallowed.

The Committee advise that the Act be disallowed accordingly, and that a copy of the Report of the Minister of Justice be forwarded to the Government of Ontario for their information.

Certified,

J. O. COTÉ, C.P.C.

Hon. Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 17th May, 1881.

I have the honor to report with respect to an Act passed by the Legislature of the Province of Ontario at its last Session, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks."

Application for the disallowance of this Act has been made by Mr. Peter McLaren, of the Town of Perth, lumber manufacturer, on the ground in effect that the Act in question deprives him of vested private rights without compensation, and

practically reverses the decision of the Court of Chancery in a case brought by him against one Caldwell whereby Mr. McLaren's exclusive right to the use of improvements erected by him or those through whom he claims on certain streams in the Province of Ontario, was established by a decree of the Court.

The Act by its first section declared that all persons have, and always have had, during the spring, summer and autumn freshets, the right to float and transmit saw-logs, &c., down all rivers, creeks and streams, in respect of which the Legislature of Ontario has authority to give this power, and in case it may be necessary to remove any obstruction from such river, creek or stream, or construct any apron, dam, &c., necessary to facilitate the floating of saw logs, &c., down the same, it shall be lawful for the person requiring to float down the saw logs, &c., to construct such apron, dam, &c.

The second section declares that in case any person shall construct in or upon such river, creek or stream any such apron dam, &c., or shall otherwise improve the floatability of such river, creek or stream, such persons shall not have the exclusive right to the use or control thereof, but all persons shall have a right to use them subject to the payment, to the person who has made such constructions and improvements, of reasonable tolls.

The third section extends the operations of sections 1 and 2 to all rivers, creeks, and streams mentioned in the first section, and to all constructions and improvements made therein, whether the bed of the river, &c., or the lands through which it runs belongs to the Crown or not.

The fourth section empowers the Lieutenant-Governor in Council to fix the amounts which any person entitled to tolls under the Act shall be at liberty to charge on saw logs, &c.

The fifth section extends the previous provisions of the Act to all such constructions and improvements as may hitherto have been made as well as to those hereafter constructed.

The sixth section gives to all persons driving saw logs, &c., down the streams the right to go along the banks.

The seventh and last section declares that if any suit is now pending the result of which will be changed by the passage of this Act, the Court may order the costs of the suit to be paid by the party who would have been required to pay the costs if the Act had not been passed.

It is tolerably clear that this section refers specially to the suit of McLaren against Caldwell above referred to.

It appears that Mr. McLaren is the owner of certain streams which he makes use of for the purpose of floating down saw logs from the timber limits from which he takes the same for the purposes of his business as a lumber manufacturer.

Mr. Caldwell is also a lumber manufacturer owning timber limits in the neighborhood of those owned by Mr. McLaren.

He attempted to float his logs down Mr. McLaren's streams and through his improvements.

To prevent his doing so the suit in Chancery above referred to was instituted, and a decree was made declaring Mr. McLaren exclusively entitled to the use of the streams and improvements, and restraining Mr. Caldwell from floating his logs down the same. That case has been appealed to the Court of Appeal. The effect of the Act now under consideration must necessarily be to reverse the decision of this suit.

Had this Act, instead of giving to any person desiring to make use of the streams, the right to use the same upon payment of certain tolls, absolutely expropriated the whole ownership of the streams for the public use, and provided a means of compensating the owners for the property so taken from them, it would be less objectionable in its features.

The effect of the Act, as it now stands, seems to be to take away the use of his property from one person and give it to another, forcing the owner, practically, to become a toll-keeper against his will if he wishes to get any compensation for being thus deprived of his rights.

I think the power of the Local Legislatures to take away the rights of one man and vest them in another, as is done by this Act, is exceedingly doubtful, but assuming that such right does in strictness exist, I think it devolves upon this Government to see that such power is not exercised in flagrant violation of private rights and natural justice, especially when, as in this case, in addition to interfering with private rights in the way alluded to, the Act overrides a decision of a Court of competent jurisdiction by declaring retrospectively that the law always was, and is, different from that laid down by the Court.

In reporting upon a reserved Bill of the Prince Edward Island Legislature in 1876, the then acting Minister of Justice reported to Council, and His Excellency was advised to withhold his assent from the Bill, one of the grounds being that the Bill was retrospective in its effect; that it dwelt with the rights of the parties then in litigation, and that there was no provision saving the rights of private parties.

On the whole, I think the Act should be disallowed. I recommend therefore that the Act passed by the Legislature of Ontario at its last Session, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks" be disallowed.

JAMES MACDONALD, Minister of Justice.  
per J. A. M.

GOVERNMENT HOUSE, TORONTO, May 26th, 1881.

SIR,—I have the honor to state that it appears, by the last issue of the *Canada Gazette*, that His Excellency the Governor General has disallowed the Act passed by the Legislature of Ontario at its recent Session, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks," and to inform you that my Government will be pleased to receive from the Government of Canada a statement of the ground upon which His Excellency was advised to disallow it, as it is undoubtedly in respect of matters which, by the British North America Act, are placed under the authority of the Legislature of this Province.

I have the honor to be, Sir, your obedient servant,

J. B. ROBINSON, Lieutenant-Governor of Ontario.  
Hon. Secretary of State, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 30th May, 1881.

SIR,—I am directed to transmit to you, herewith, for the information of your Government, an Order of His Excellency the Governor General in Council declaring His Excellency's disallowance of an Act of the Legislature of the Province of Ontario, passed at its late Session, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks," together with the certificate of His Excellency as to the date of its receipt appended thereto.

I have the honor to be, Sir, your obedient servant,

EDOUARD J. LANGEVIN, Under Secretary of State.  
His Honor the Lieutenant-Governor of Ontario, Toronto.

GOVERNMENT HOUSE, TORONTO, 22nd October, 1881.

SIR,—Adverting to previous correspondence on the subject of the disallowance by His Excellency the Governor General in Privy Council of the Act of the Legislature of the Province of Ontario, passed in the 44th year of Her Majesty's reign, chapter eleven, and intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks," I have now the honor of transmitting for the consideration of His Excellency the Governor General in Council, a copy of an Order in Council approved

by me the 14th instant, and of the report of the Honorable Mr. Crooks, Attorney-General, *pro tempore*, therein alluded to.

I have the honor to be, &c., &c ,

J. B. ROBINSON, Lieutenant-Governor of Ontario.

Hon. Secretary of State for Canada, Ottawa.

Copy of an Order in Council approved by His Honor the Lieutenant-Governor, the 14th day of October, A.D., 1881.

The Committee of Council have had under consideration the annexed Report of the Honorable Mr. Crooks, respecting the disallowance by His Excellency the Governor General in Privy Council, of the Act of the Legislature of the Province of Ontario, passed in the 44th year of Her Majesty's reign, chapter eleven, and intitled: "An Act protecting the Public Interests in Rivers, Streams and Creeks," and advise that Your Honor approve thereof, and that a copy of this Minute in Council and of the said Report be transmitted to the Secretary of State for Canada, for the consideration of His Excellency the Governor General in Council.

Certified,

J. G. SCOTT,

Clerk, Executive Council, Ontario.

The Report of the undersigned to His Honor the Lieutenant-Governor of Ontario, respecting the disallowance by His Excellency the Governor General in Privy Council, of the Act of the Legislature of the Province of Ontario, passed in the 44th year of Her Majesty's reign, chapter eleven, and intitled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks," respectfully sheweth as follows:—

1. This Act was passed on the 4th March, 1881. It was received by His Excellency the Governor General on the 26th of the same month, and on the 19th of May following was disallowed by him—"by and with the advice of his Privy Council"—in the report of the Honorable the Minister of Justice, dated the 17th of May. This disallowance was published in the *Canada Gazette* on the 21st of May, but no other notice was received by the Government of Ontario until His Honor the Lieutenant-Governor, by his despatch of the 26th May to the Honorable the Secretary of State, had requested to be furnished by the Government of Canada, with a statement of the grounds upon which His Excellency had been advised to disallow an Act which was undoubtedly in respect of matters placed by the British North America Act under the authority of the Legislature of this Province.

In reply, His Honor, on the 30th of May, received the despatch of the Honorable the Secretary of State, with a copy of the Order of His Excellency the Governor General in Privy Council, based on the Report of the Committee of the Honorable the Privy Council, and adopting the reasons set forth in the Report of the Honorable the Minister of Justice of the 17th of May for the disallowance of this Act. This Report states that Peter McLaren, of the Town of Perth, lumber manufacturer, had applied for the disallowance of this Act, on the ground that it deprived him of vested private rights without compensation, and practically reversed the decision of the Court of Chancery in a case brought by him against one Caldwell, whereby Mr. McLaren's exclusive right to the use of improvements erected by him, or those through whom he claimed, on certain streams in the Province of Ontario, was established by a degree of the Court.

3. The Minister of Justice in his Report sets out the different provisions of the Act, namely: the declaration of right as expressed in the first section of the Act, that in so far as the Legislature of the Province of Ontario had authority so to enact: "All persons have and are hereby declared to have during the spring, summer and autumn freshets, the right to float and transmit saw-logs, timber, &c., down all rivers, creeks and streams, in respect of which the Legislature of Ontario has authority to give this power, and in case it might be necessary to remove any obstructions from such river, creek or stream, or construct any apron, dam, &c.,



necessary to facilitate the floating of saw-logs, timber, &c., down the same, it should be lawful for the person requiring to float down the saw-logs, timber, &c., to remove such obstruction and to construct such apron, dam, &c."

The Report also gives the effect of the second section of the Act which declares that: "In case any person shall construct in or upon such river, creek or stream, any such apron, dam, &c., or shall otherwise improve the floatability of such river, creek or stream, such persons shall not have the exclusive right to the use or control thereof; but all persons shall have a right to use them, subject to the payment to the person who has made such constructions and improvements of reasonable tolls." By the third section of the Act, the provisions of the first and second sections are extended to all rivers, creeks and streams mentioned in the first section of the Act, and to all constructions and improvements made therein, whether the bed thereof or the land through which it runs has been granted by the Crown or not, and if granted by the Crown shall be binding upon such grantees and their assigns. The fourth section empowers the Lieutenant-Governor in Council to fix the amounts which any person entitled to tolls under the Act shall be at liberty to charge on saw-logs, &c. The fifth section extends the previous provisions of the Act to all such constructions and improvements as may hitherto have been made as well as to those hereafter constructed. The sixth section gives to all persons driving saw-logs down the streams the right to go along the banks. The seventh and last section declares that if any suit is now pending, the results of which will be changed by the passage of this Act, the Court may order the costs of the suit to be paid by the party who would have been required to pay the costs if the Act had not been passed.

4. The Report of the Minister of Justice thereupon proceeds to state that it is tolerably clear that the last section refers specially to the suit of McLaren against Caldwell, and offers the following grounds for the disallowance of the Act:

"Had this Act, instead of giving to any person desiring to make use of the stream the right to use the same upon payment of certain tolls absolutely expropriated, the whole ownership of the streams for the public use, and provided a means of compensating the owners for the property so taken from them, it would be less objectionable in its features. The effect of the Act as it now stands seems to be to take away the use of the property from one person and to give it to another, forcing the owner practically to become a toll-keeper against his will, if he wishes to get any compensation for being deprived of his rights. I think the power of the Local Legislature to take away the rights of one man and vest them in another, as is done by this Act, is exceedingly doubtful; but assuming that such right does in strictness exist, I think it devolves upon this Government to see that such power is not exercised in flagrant violation of private rights and natural justice, especially when as in this case, in addition to interfering with private rights in the way alluded to, the Act over-rides a decision of a Court of competent jurisdiction by declaring retrospectively that the law always was and is different from that laid down by the Court."

After reference to the reserved Bill of Prince Edward Island, "To amend the Land Purchase Act of 1875," which failed to receive the assent of the Governor General, the Minister concludes his reasoning and reports that "on the whole" he thinks the Act should be disallowed.

5. The application of McLaren for the disallowance of this Act was considered and given effect to without any notice to the Government of Ontario, and this appears to the undersigned to be in direct violation of the definite settlement between the Imperial, Dominion and Provincial Governments in the first year of Confederation respecting legislation, and the respective powers and courses of procedure as to the disallowance of Acts, or the assent to, or dissent of, Bills reserved, by the Imperial and Dominion Governments of Canadian and Provincial enactments respectively.

6. Return No. 35 in the Sessional Papers of Canada for 1870 contains the correspondence on this subject between the Imperial, Dominion and Provincial Governments, and the Order of the Governor General in Privy Council of the 9th June, 1862, approving of the memorandum of the Minister of Justice (then Mr. J. A. Macdonald) of the 8th June, 1868, which laid down as the result of the full and complete

consideration given by him to this subject, a definite basis for governing all such questions and the respective relations of the several authorities concerned. The express object of this memorandum was the settlement of the course to be pursued by the Governor General in Council with respect to Acts passed by the Provincial Legislatures in the exercise, under the British North America Act, of the same powers of disallowance which had always theretofore belonged to the Imperial Government with respect to Acts passed by the Province of Canada.

7. The memorandum states that of late years the Imperial Government has not, as a general rule, interfered with the legislation of colonies having representative institutions and responsible government, except in the cases specially mentioned in the instructions to the Governors, or in matters of Imperial and not merely local interest; that under the present constitution of Canada, the general Government would be called upon to consider the propriety of allowance or disallowance of Provincial Acts much more frequently than Her Majesty's Government had been with respect to Colonial enactments; that in deciding that any Act of the Provincial Legislature should be disallowed or sanctioned, the Government must not only consider whether it affects the interests of the whole Dominion or not, but also whether it would be unconstitutional in exceeding the jurisdiction conferred on Local Legislatures, and in cases where the jurisdiction is concurrent whether it clashes with the legislation of the Dominion Parliament; that it was of importance that the course of local legislation should be interfered with as little as possible, and the power of disallowance exercised with great caution, and only in cases where the law and general interests of the Dominion imperatively demanded, and the Minister of Justice thereupon recommended that the following course should be pursued:—

“That on the receipt, by Your Excellency, of the Acts passed in any Province, they be referred to the Minister of Justice for report, and that he with all convenient speed, do report as to those Acts which he considers free from objection of any kind, and if such report be approved of by Your Excellency in Council, that such approval be forthwith communicated to the Provincial Government.

“That he make a separate Report, or Reports, on those Acts which he may consider,—

- “1. As being altogether illegal or unconstitutional;
- “2. As illegal or unconstitutional in part;
- “3. In cases of concurrent jurisdiction, as clashing with the legislation of the General Parliament;
- “4. As affecting the interests of the Dominion generally.

“And that in such Report or Reports, he give his reasons for his opinions:—

“That when a measure is considered only partially defective, or when objectionable as being prejudicial to the general interests of the Dominion, or as clashing with its legislation, communication should be had with the Provincial Government with respect to such measure, and that in such case the Act should not be disallowed, if the general interests permit of such a course, until the Local Government has an opportunity of considering and discussing the objections taken, and the Local Legislature has also an opportunity of remedying the defects found to exist.”

8. The Order of the Governor General in Council and a copy of this memorandum were officially communicated to the Lieutenant-Governors of Ontario, Quebec, Nova Scotia and New Brunswick, for the information and guidance of their Governments; and also by the Governor General, in his despatch of the 11th March, 1869, to the Imperial Government, shewing that, as an Act of State, the Dominion Government held itself to be bound by the principles and courses of procedure so laid down and settled upon, in the exercise of this power of disallowance under the Confederation Act.

9. Until the disallowance of the present Act, these principles and procedure had been universally observed by the Governor General in Council in regard to all Acts passed by any of the Provincial Legislatures in which any question of disallowance was raised, and the different Ministers of Justice hitherto have in their Reports, prescribed by the Order in Council of the 9th June, 1868, strictly kept within such principles and have followed the specified procedure.

10. It will be seen that it was definitely settled that the several objections to any Act which the Minister of Justice was authorized to report upon, were confined to cases:—

(1.) Where the Act was altogether or in part unconstitutional, *i. e.*, not within the subjects of Provincial legislation authorized by the Act of Confederation;

(2.) Which might be within the subject of both Dominion and Provincial legislation so authorized, when the latter clashes with the former, and

(3.) Affecting the rights or interests of the Dominion generally, as distinguished from Provincial or Local;

And the Minister of Justice was also required to set forth his reasons for reporting against any Provincial Act on any of these grounds, and in every such case the Provincial Government was to have an opportunity of considering and discussing the objections taken and of remedying any defect.

11. It is, therefore, manifest that the Minister of Justice in reporting against the Act, in the present case, has disregarded the plain duty imposed upon him by the terms under which the Dominion Government bound itself to the different Provinces to exercise this power.

12. The grounds taken by him are the renewal of the same reasons on which an amendment was proposed in the Legislative Assembly, on the third reading of the Bill, when Mr. Meredith moved, seconded by Mr. Morris, "That while the House is willing to pass such enactments as may be necessary for protection of the public interests in rivers, streams and creeks, it is of opinion that the Bill is calculated to interfere with important private interests without making adequate compensation for such interference, and is, therefore, opposed to sound principles of legislation, and calculated to form a dangerous precedent, and ought not, as now framed, to become law." The motion was lost on a division, by a vote of 23 to 56.

13. The Minister of Justice also argues, that if this Act had absolutely appropriated the whole ownership of the streams for the public use and provided compensation, it would be less objectionable in its features. The Minister has not ventured to deny the legislative authority of the Province to so enact, if thought expedient, in the public interest. The point of his objection is—"That the Act seems to take away the use of his (the owner's) property from one person and give it to another, forcing the owner practically to become a toll-keeper against his will, if he wishes to get any compensation for being thus deprived of his rights."

The mode of compensation which would be just to all parties is certainly a matter to be considered and determined by the representatives of the people in Provincial Parliament assembled and not by the Minister of Justice, or the Dominion Government, on the private *ex parte* statement of a private individual.

14. If the Minister of Justice had considered the language of the first section of the Act, it would have informed him in distinct terms that the Legislature had, in the exercise of one of its most valuable attributes, declared and settled the common law of the Province on the subject of its rivers and streams, and corrected the erroneous interpretation of certain statutes relating thereto.

15. Until the decision of the Vice-Chancellor, in the suit of McLaren *vs.* Caldwell, gave color to the exclusive pretensions of Mr. McLaren that he could absolutely debar any proprietor farther up the the river from enjoying the facilities supplied by its waters on the ground that he (McLaren) owned its bed, and had made improvements on his own-land, the Province did not become aware that so injurious a conclusion was possible; and that the imperative duty was at once imposed on the Provincial Legislature to settle beyond further question that the use of all rivers and streams within Provincial jurisdiction for floating down saw logs and timber, whether their beds were patented or not, were of common and public right, and that the owner of such lands could not lawfully control such stream to the exclusion of other persons desirous of using the same for such purpose.

16. The public revenue of the Province and the interests of all other persons would otherwise be practically at the mercy of every proprietor who had the advantageous position of Mr. McLaren, and the activity and impetus which from the first

settlement of the Province have prevailed in the manufacture of lumber, would have become paralyzed, to the great injury of Provincial interests; it being not only the undoubted right but the pressing duty of the Ontario Legislature to correct any construction of the Provincial law which was contrary to the long usage and course of practical enjoyment of such easements, and would cause such great loss and injury, the Legislature could further impose such regulations as it thought reasonable, without being subjected to any such reflection as the Minister of Justice thought fit to employ when he reported that the Provincial Legislature had exercised its power in "flagrant violation of private rights and natural justice."

17. In giving effect to the report of the Minister of Justice, the Dominion Government has disregarded Provincial rights of legislation, clearly and solemnly defined and settled by the Order in Council of the 9th June, 1868. The attempt of the Dominion Government to review the provisions of an Act, passed by the Provincial Legislature on a subject within its competency under the British North America Act, was a wrongful interference with the constitutional rights of self government possessed by each Province.

18. The British North America Act shows that while the different Provinces were federally united in one Dominion with constitutions similar in principle to the British, the respective Executive and Legislative powers and authorities of the Provincial and Dominion Governments were also defined and dealt with as alike sovereign in their nature, within the limits of the subjects assigned to each respectively.

The Confederation Act was intended to give practical effect to the exercise of the fullest freedom in the administration and control in local matters within each Province, which was the main object of Quebec and Ontario especially in seeking such union. This fundamental principle of local self government runs through the whole of this Constitutional Act, and in order that it may be preserved intact the utmost vigilance on the part of every Province should be constantly alive to every attempt of the central Government to transfer the control of local affairs from the Government having the greatest interest in them, and possessing the fullest knowledge of them, and under a direct responsibility to the people of the Province, to a Government which necessarily has the least knowledge of and the smallest interest in such matters

19. Not only has the Government of the Dominion thus transgressed the Constitutional rights of the Province in disallowing an Act within the competency of the Province, but the recent decision of the Court of Appeal of Ontario, overruling that of the Vice-Chancellor, removes whatever color might have existed for Mr. McLaren's exclusive pretensions, and leaves the objection of the Minister of Justice without any support.

20. The Court of Appeal of Ontario, on the 8th July instant, determined that the legal rights claimed by Mr. McLaren did not exist, and in effect that, if the rule of the common law was not in itself sufficient to establish this public easement, such was the proper construction of previous legislation, and that all rivers, creeks and streams in this Province were properly *publici juris* for the transmission of timber and saw-logs with the like incidents as highways or other easements in which the public possessed an interest.

21. The decision of the Court of Appeal recognizes the paramount importance of these principles in fostering the lumbering interests, in which the Province as well as the manufacturer is pecuniarily interested, and by which the general public of the Province are largely benefitted.

22. Whatever may be the ultimate determination of any tribunal on the legal question, the whole subject-matter was and is within the competency of the Legislature of Ontario; and in any doubt as to the law affecting the relative rights of the Province, proprietors and general public, with respect to easements of a public nature, the whole course of legislation, Imperial, Canadian and Colonial, justified the Legislature of Ontario in dealing with the question as it has done.

23. The undersigned is unable to find in the numerous Acts which have been passed since Confederation by the different Provinces, and which, under the pro-

cedure so definitely settled by the Order in Council of the 9th June, 1868, have all been considered and reported upon by the Minister of Justice for the time being to the Governor General in Council, that any one of them has been reported for disallowance upon such ground as was taken by the Minister of Justice in this case, or upon any other objections than those defined by the Order in Council of the 19th of June, 1863.

24. The reserved Bill cited by the Minister of Justice from Prince Edward Island, comes within a different principle, expressly provided for by the Confederation Act, under which it is strictly constitutional, having regard to the principles of responsible government, that the Lieutenant-Governor, one branch of the Provincial Legislature may, with the advice and consent of the Executive Council, invoke the authority of the Governor General, and if the circumstances show the Bill to be objectionable to Dominion policy, assent to it may properly be refused. Without the assent of the Lieutenant-Governor the Bill is not the Act of the Legislature of which he forms an essential part.

25. There are many illustrations which show that the disallowance of the Act in question was singular and exceptional, one of these is the Act regulating the estate of George J. Goodhue. (See Dominion Sessional Papers of 1877, p. 180.) The objections urged in the petition against the Act were forwarded by the Lieutenant-Governor of Ontario to the Secretary of State, with his own observation that he regarded the principle involved in the Bill passed by the Assembly as very objectionable and forming a dangerous precedent, but that in the absence of instructions and on the advice of his Council he had given it his assent. In the Report of the Minister of Justice (Sir John A. Macdonald), he refers to this Act as petitioned against, "but as it is within the competence of the Provincial Legislature," recommends "that it should be left to its operation."

26. If it had not been for the further position taken by the Minister of Justice in his Report that the Dominion Government had not only the power, but that it devolved upon such Government to see that the jurisdiction of the Provincial Legislature was not exercised retrospectively in declaring that the law was and is different to that decided by the Court, it would not have been necessary to observe that it is one of the duties incumbent on all Legislatures, and repeatedly exercised by them, to enact laws which, if deemed necessary in the public interest, should have a retroactive as well as future operation. It is generally litigation or judicial decision which gives origin to such remedial legislation, and each Legislature must be supreme in determining the extent of its interference as well as the necessity for its action. There are numerous examples of such Acts passed by the Imperial Parliament and by colonial and other Legislatures, as well as in cases of litigation pending as when there has been a judicial decision to the contrary.

27. When the Minister of Justice states in his Report that the power of a Provincial Legislature to enact such a law is "exceedingly doubtful," he has assumed a grave responsibility, for he is the first Minister who has ventured upon such a proposition, and that too without submitting any general grounds for an opinion which, if there was any foundation for it, would so seriously affect Provincial autonomy. The Minister, however, stands alone in his doubt, and his Report contains the first official expression of this which has emanated from any source. The contrary view has been taken and uniformly acted upon by the Dominion Government since Confederation till now, and numerous examples exist to show that the present Premier of the Dominion, when Minister of Justice, proceeded upon a directly opposite conclusion, and unequivocally recognized the supreme legislative authority of the Provincial Legislature in all subjects within its jurisdiction, notwithstanding its Acts had declared the law to be other than was decided by a Court or interfered with pending litigation or had been retroactive. For instance, in the first four years of Confederation (not to refer to subsequent years also) there are to be found the Ontario Acts "Concerning Sheriffs' sales for taxes," respecting the estate of Sir Henry Smith, "The Goodhue Will," and the numerous Acts legalizing invalid muni-

cipal by-laws, all of which were left to their operation notwithstanding the objections thereto. A notable example is the Act passed in 1871 and introduced by Mr. Sandfield Macdonald's Government for the express purpose of relieving the same Peter McLaren (the claimant here) and others from the decision of the Court of Common Pleas in Easter Term, 1870, in the suit of the Corporation of the Township of Barrie against John Gillies and Peter McLaren, defendants, for cutting timber as the licensees of the Crown or Government road allowances which the Court held the licensees had no right to do, against the possession and control of the municipality, contrary to this express decision of the Court that the timber or road allowances could not be taken as timber or ungranted lands of the Crown. Nevertheless, the first section of this Act declared and enacted that, "Every Government road allowance included in any Crown timber license heretofore granted, or which may hereafter be granted, &c., shall be deemed and taken to be and to have been *ungranted* lands of the Crown and liable as such to be included in such license." The second section declared the licensees have had all the right of cutting timber which the Court had decided he had not in the case referred to.

28. Upon this review of the reasons which the Minister of Justice has been pleased to give for the disallowance of the Act in question, the undersigned respectfully submits that they fail to support his conclusion in the particulars for which he has advanced them; but the constitutional objections to any recommendation for disallowance being open to the Minister of Justice, in any case within the provincial jurisdiction are so decisive that it was scarcely necessary for the undersigned to have discussed such reasons except to show how unwarranted they were.

29. The undersigned considers that the harmony of the relations between the Central and Provincial Governments, so essential to the beneficial working of the Federal system, can only be preserved by confining the exercise of the power of disallowance by the Governor General in Council to Acts objectionable as to their constitutional validity or obnoxious to the laws or general interests of the Dominion, and that the Governor General in Council should not assume to review any of the provisions of a Provincial Act within its competency and thus wrongfully interfere with the responsibility of the Provincial Government and Legislature to the people of the Province, to whom alone they are subject and not to the Dominion Government.

30. The undersigned therefore recommends that this Government should respectfully assert and continue to assert the responsibility and sovereign authority of the Provincial Legislature in considering, making and framing all such laws respecting property and civil rights within the Province and the other subjects exclusively assigned to it by the Confederation Act, as that Legislature may think best for the welfare and good government of the Province, subject to the British principle of constitutional responsibility to the people of the Province and free from any such revision or control by the Dominion Government as has been improperly exercised by the disallowance of this Act for protecting the public interests in rivers, streams and creeks within the jurisdiction of Ontario, and that this report be approved of and forwarded by your Honor to the Secretary of State for the information of the Government of the Dominion.

Respectfully submitted,

ADAM CROOKS, Attorney-General *pro tempore*.

Attorney General's Department, Toronto, 12th July, 1881.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 24th October, 1881.

SIR,—I am directed to acknowledge the receipt of your despatch of the 22nd instant, enclosing a copy of a minute of your Executive Council, and of the Report of the honorable the Attorney General, *pro tempore*, therein referred to, in further reference to the disallowance by His Excellency the Governor General in Council of

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the Act of the Ontario Legislature passed in the 44th year of Her Majesty's reign, intituled: "An Act for protecting the Public Interests in Rivers, Streams and Creeks."

I have, etc.,

EDOUARD J. LANGEVIN, Under Secretary of State.

To His Honor the Lieutenant-Governor of Ontario, Toronto, Ont.

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## RETURN

(150)

To an ADDRESS of the HOUSE OF COMMONS, dated 13th March, 1882 :—For Copies of all Petitions, Letters, Judges' Reports, Correspondence and other Documents whatsoever connected with the Petition to be set at liberty made by Thomas Fletcher, sentenced on the 8th of June, 1881, by the Court of General Sessions of the Peace, presided over by His Honor C. W. Desnoyers, P.M.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
30th March, 1882.*Secretary of State.*

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## RETURN

(151)

To an ORDER of the HOUSE OF COMMONS, dated 28th January, 1881 :—For a Return of persons convicted in the Circuit and County Courts of the Province of New Brunswick during the past three years, with the Sentences imposed, and also of Prisoners in the Penitentiary during those years under the Commitment of the Police Magistrates of the City of St. John and Town of Portland.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd April, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]



## RETURN

(152)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882:—For Copies of all Reports, Plans, Letters, Petitions and all Documents whatsoever respecting the Fisheries and Fishing Licenses granted to Francois Ruelland, of St. Valier ; Jean Baptiste Langlois, of St. Valier ; Alexis Leclerc, of St. Michel ; and Henri Blais, of St. Michel.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
20th April, 1882.

*Secretary of State.*

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## RETURN

(153)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882:—For a Return of all Correspondence and Documents relating to Applications made on the part of young men of the District of Algoma, to the Department of Militia and Defence, for the privilege of being allowed to form Volunteer Companies within that District.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
12th April, 1882.

*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]*

## RETURN

(154)

To an ADDRESS of the HOUSE OF COMMONS, dated 20th February, 1882:—  
For Correspondence with reference to any Commission issued by the Local Government of Manitoba, affecting the mode of administering Justice in that Province. Copy of such Commission and of the proceedings thereunder.

By Command,

J. A. MOUSSEAU, .

*Secretary of State.*Department of the Secretary of State,  
6th April, 1882.

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## SUPPLEMENTARY RETURN

(155)

To an ORDER of the HOUSE OF COMMONS, dated 20th December, 1880:—  
For Copies of Papers which have been, from time to time, furnished the Government in support of the claim of Henry A. P. Holland to the Castle Garden property at Quebec.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

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## RETURN

(156)

To an ORDER of the HOUSE OF COMMONS, dated 13th March, 1882:—For Copies of Correspondence between the Government and interested persons of St. Anaclat, and of Pointe aux Pères, and all other persons whatsoever, respecting the erection of a Railway Station in the Parish of St. Anaclat.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
17th April, 1882.

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## RETURN

(157)

To an ORDER of the HOUSE OF COMMONS, dated 22nd March, 1882:—For Copies of all Correspondence, Petitions, or other Documents in possession of the Government, respecting complaints against the location and manner of working of the Kingston and Pembroke Railway, in the City of Kingston.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
18th April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(158)

To an ADDRESS of the HOUSE OF COMMONS, dated 22nd March, 1882 :—For a Copy of a Petition presented to His Excellency by the Corporation of the Town of Pembroke, in the County of Renfrew, (dated 30th January, 1879,) praying that His Excellency may be pleased to relieve the said Town from the payment of a bonus of \$75,000, granted to the Canada Central Railway Company, on the 4th October, 1875, to secure the extension of the said Railway from the Village of Renfrew to the Town of Pembroke.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
20th April, 1882.

*Secretary of State.*

## RETURN

(159)

To an ADDRESS of the HOUSE OF COMMONS, dated 20th February, 1882 :—For Copies of all Correspondence and Orders in Council, with relation to the tenure of Office of the County Court Judges, in any of the Provinces; of all Local Statutory Provisions bearing on the subject; of any Commissions of Enquiry issued with regard to any County Court Judge, and the instructions accompanying the same, and a Statement of the action thereon; Copy of any Judgment of any Court upon any application for prohibition in connection therewith.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
11th April, 1882.

*Secretary of State.*

[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

**RETURN**

(160)

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1882:—  
For Copies of all Correspondence not already brought down as to  
Extradition and as to the last Canadian Extradition Act, and as to  
the Address of both Houses of the Canadian Parliament on the subject.

By Command,

**HECTOR L. LANGEVIN,**Department of the Secretary of State,  
24th April, 1882.*For the Secretary of State.*

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**RETURN**

(161)

To an ORDER of the HOUSE OF COMMONS, dated 6th March, 1882:—For a  
Return showing the Report and Survey of Mr. McLatchie, D.L.S., on  
the water powers on the Rainy River, at or near Rat Portage.

By Command,

**J. A. MOUSSEAU,**Department of the Secretary of State,  
14th April, 1882,*Secretary of State.*

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]*

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## RETURN

(162)

To an ORDER of the HOUSE OF COMMONS, dated 17th February, 1882:—For a Return of all Customs Seizures made at Moose, York, Churchill and all other Ports in Hudson Bay, during the last seven fiscal years.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
25th April, 1882.

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## RETURN

(163)

To an ORDER of the HOUSE OF COMMONS, dated 9th March, 1882:—For Copies of the Annual Returns made by Licensed Druggists or Vendors of Liquors under the Canadian Temperance Act of 1878, in the several Counties and Cities where the Law has been adopted.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
18th April, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]

## RETURN

(164)

To an ADDRESS of the HOUSE OF COMMONS, dated 27th February, 1882:—  
For Copies of all Correspondence and Orders in Council not already brought down affecting any Railway Companies chartered either by the Legislature of Manitoba or by the Parliament of Canada, in Manitoba or the North-West, and relating either to Grants or Reservations of land, questions of route or terminal points, or relating in any other way to the affairs of any such Companies.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
27th April, 1882.*Secretary of State.*

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## RETURN

(165)

To an ORDER of the HOUSE OF COMMONS, dated 22nd March, 1882:—For Copies of all Correspondence, Petitions, Reports or other Papers in the Post Office Department respecting the removal from office of William Magee, lately Postmaster at Greenwood, Nova Scotia, and the appointment in his place of Marsden Foster.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
1st May, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(166)

To an ADDRESS of the SENATE, dated 17th February, 1882:—For copies of all Correspondence, Telegrams, Petitions, Papers, Reports, and Orders in Council relating to an Act of the Legislature of the Province of Manitoba intituled: "An Act to incorporate the Winnipeg South-Eastern Railway Company," disallowed by His Excellency in Council, and a Copy of the said Act.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
1st May, 1882.

*Secretary of State.*

His Excellency the Right Honorable Sir JOHN DOUGLAS SUTHERLAND CAMPBELL, Marquis of Lorne, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor General of Canada, and Vice-Admiral of the same, &c., &c., &c., in Council.

The Memorial of the Mayor and Council of the City of Winnipeg respectfully sheweth:

Your Memorialists have heard with regret the rumors that efforts are being made by some interested parties to obtain from Your Excellency the disallowance of the Act of the Legislature of Manitoba incorporating the Winnipeg South-Eastern Railway Company. In view of the future prospects of this country and of the North-west, a future acknowledged to be so great that the eyes of the world are now directed hitherward, every possible facility for ingress and egress to and from our country is greatly to be desired, and any act of Your Excellency's Government tending to limit or check such facilities would delay the rapid development of our resources would interfere in a serious measure with the settlement of our fertile plains, and would thus be damaging not only to our City and Province, but to the whole Dominion. Your Memorialists therefore cannot believe that the best interests of this City and Province will be sacrificed to benefit any one Corporation or Company be they whom they may.

Believing, as your Memorialists do, that the Act incorporating the Winnipeg South-Eastern Railway Company is strictly within the jurisdiction of the Legislature of our Province, we would most respectfully and earnestly urge upon Your Excellency and Council that the said Act be not disallowed in the true interests of our City, of this Province, of the great North-West and of the Dominion at large.

And your Memorialists, as in duty bound, will ever pray, &c., &c.

Dated at Winnipeg in the Province of Manitoba, this Sixteenth day of November.

E. G. CONKLIN, Mayor.

A. M. BROWN, City Clerk.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council, on the 12th January, 1882.*

On a Report hereto annexed, dated 2nd November, 1881, from the Minister of Railways and Canals, submitting for the reasons therein set forth that the Minister



of Justice should be invited to report whether His Excellency the Governor General should not be advised to disallow the following Railway Acts passed by the Legislature of the Province of Manitoba at the last Session, viz:—

1. Cap. 37, "An Act to incorporate the Winnipeg South-Eastern Railway Company."
2. Cap. 38, "An Act to incorporate the Manitoba Tramway Company."
3. Cap. 39, "An Act to incorporate the Emerson and North Western Railway Company."

The Minister of Justice, in a Report, dated 4th January, 1882, hereunto annexed, recommends for the reasons therein stated, that the Act passed by the Legislature of Manitoba in the year 1881, Chaptered 37, and intitled: "An Act to incorporate the Winnipeg South-Eastern Railway Company" be disallowed.

The Committee advise that the Act be disallowed accordingly, and that a copy of the Report of the Minister of Justice be forwarded to the Government of Manitoba for its information.

Certified, J. O. COTÉ, C.P.C.

To the Honorable the Secretary of State.

DEPARTMENT OF RAILWAYS AND CANALS,

OTTAWA, 2nd November, 1881.

(Memorandum.)

The undersigned has the honor to represent that at the last Session of the Legislature of the Province of Manitoba, the following Railway Acts were passed:—

1. Cap. 37, "An Act to incorporate the Winnipeg South-Eastern Railway Company."
2. Cap. 38, "An Act to incorporate the Manitoba Tramway Company."
3. Cap. 39, "An Act to incorporate the Emerson and North-Western Railway Company."

That by a letter dated the 18th ultimo, the Canadian Pacific Railway Company have pointed out the effects which the construction of these several lines will have upon the traffic which would legitimately appertain to their road; calling attention to the fact that one of the most essential of the conditions upon which the work was undertaken; and more particularly the eastern division of it, extending from the Thunder Bay Branch to Callander Station, was that no diversion of the traffic which the Company might reasonably be expected to carry over that division would be permitted by the construction of railways tending to tap the traffic of Manitoba and the North-West.

That the Chief Engineer has thereupon reported that all these several charters conferred by the Act above cited empower the respective companies to run to the boundary between the Provinces of Manitoba and the State of Minnesota, a privilege which undoubtedly conflicts with the spirit of the Canadian Pacific Railway Act, Section 15, of which reads as follows:—

"For twenty years from the date hereof no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway from any point at or near the Canadian Pacific Railway, except such line as shall run south-west or the westward of south-west, nor to within fifteen miles of latitude 49."

The section being apparently placed in the agreement with the Company upon the consideration that it is most desirable, and altogether in the public interest that the heavy traffic to be expected from the Great North-West should pass directly to the sea-board or to Eastern Canada by the national route and over the Canadian system of railways, and that no facilities should be given which would tend to divert this traffic directly out of our own country to find its way eastward by American railways.

The Engineer reports, that if the Acts of incorporation referred to are allowed to become law, they will not only very much injure the carrying trade of Canada, but

will in every way facilitate the passing of the traffic in question directly into the United States, and its transportation eastward over American roads.

In addition, the undersigned desires to state that during the Session of 1880, when the Government were carrying on the railways as a Government work, he was authorized by the Government, after the fullest discussion of this question in all its bearings, to state to the Committee of the House of Commons on Railways and Canals, that the Government could not assent to the incorporation of any line running to the American frontier in an easterly direction, it being considered essential to the interests of the Dominion that the traffic of the North-West should, as far as possible, be retained on the Canadian Pacific Railway.

That the policy of the Government met with apparent approval from all parties, and the application made for a charter for the Emerson and Turtle Mountain Railway Company was refused.

That while such was the view taken in 1880, the importance of this policy, became doubly manifest in 1881, when arrangements were completed for the construction of through lines running to the north of Lake Superior, and the same policy was adhered to last Session.

For the reasons above stated he is of opinion that the best interests of Canada would be imperilled by the construction of the proposed lines of rail communication, and submits that the Minister of Justice should be invited to report whether His Excellency the Governor General should not be advised to disallow the Acts of the Legislature of the Province of Manitoba, referred to, viz. :—

1. Act 44 Vic. Cap. 37, intituled: "An Act to incorporate the Winnipeg South Eastern Railway Company."
2. Act 44 Vic. Cap. 38, intituled: "An Act to incorporate the Manitoba Tramway Company."
3. Act 44 Vic. Cap. 39, intituled: "An Act to incorporate the Emerson and North Western Railway Company."

Respectfully submitted,

CHARLES TUPPER, Minister of Railways and Canals.

DEPARTMENT OF JUSTICE, OTTAWA, January 4, 1882.

To His Excellency the Administrator in Council.

The undersigned has the honor to report that at the last Session of the Legislature of Manitoba the following Act (among others) was passed and assented to by the Lieutenant-Governor, on the 25th day of May, 1881, viz. : Cap. 37, "An Act to incorporate the Winnipeg South Eastern Railway Company."

The line to be built by the Company is thus defined by the third section of their charter :

" 3. The said Company and their servants and agents shall have full power and authority to lay out and construct, make, finish and operate a railway with single or double track and an electric telegraph along the same, such railway to commence from a point at or near the City of Winnipeg, thence running in a south-easterly direction to the boundary line between the Province of Manitoba and the State of Minnesota aforesaid; and the Company shall have power and authority to construct the different sections of the said railway in such order as they shall see fit, keeping in view the general direction as herein provided."

In the contract dated 21st October, 1880, between the Government of Canada and the Canadian Pacific Railway, which was approved and ratified by the Act of the Parliament of Canada assented to on the fifteenth day of February, 1881, the following clause is contained;

" (15.) For twenty years from the date hereof, no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run south-west or to the westward of south-west; nor to within fifteen miles of latitude 49. And on the establishment of any new Province in the

North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period."

In the Act of the Parliament of Canada 44 Vic. (1881), Cap. 14, intituled: "An Act to provide for the extension of the boundaries of the Province of Manitoba," it is, by sub-section 6 of section 2, provided as follows:—"The said increased limit and territory thereby added to the Province of Manitoba shall be subject to all such provisions as may have been or shall hereafter be enacted respecting the Canadian Pacific Railway and the lands to be granted in aid thereof."

Under the powers conferred upon the South-Eastern Railway Company, their line might be built so as to run to the boundary line through part of the territory added to the Province by the Act last above mentioned.

The undersigned begs to call attention to the order of His Excellency in Council of the 18th April, 1879, a copy of which was transmitted to the Government of Manitoba on the 23rd of that month, and receipt of which was acknowledged by the Lieutenant-Governor on the 2nd of May following; in that order the following language occurs, viz.:

"That as respects the railway policy to be pursued in that Province, it has been decided that the line of the Canadian Pacific Railway shall pass south of Lake Manitoba, and in accordance with the suggestion of Messrs. Norquay and Royal, the Government will oppose the granting of a charter for the present Session at least for any railway in Manitoba other than the one recommended by them from Winnipeg south-westerly towards Rock Lake. The Government think it very desirable that all railway legislation shall originate here, and that no charter for a line exclusively within the Province of Manitoba should be granted by its Legislature without the Dominion Government first assenting thereto."

The undersigned is personally aware from the interviews with Messrs. Norquay & Royal upon the subject that these gentlemen (then members of the Manitoba Government, Norquay being then as now, Premier), on behalf of their Government agreed to the policy of this Government as indicated by the above extract from the Order in Council of 18th April, 1879. At no time since has the Government of Manitoba, so far as the undersigned is aware, intimated that the assent of Messrs. Norquay and Royal above referred to, was not binding upon them.

The undersigned also calls attention to the provisions of sub-section 10 of section 92 of the British North America Act under which the Legislatures of the Provinces derive their legislative authority which is as follows:—"Local works and undertakings other than those such as are of the following classes: (a) Lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province. (b) Lines of steamships between the Province and any British or foreign country. (c) Such works as although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of two or more of the Provinces."

It is not necessary to express any decided opinion with respect to the authority vested in the Provincial Legislatures by this clause; but the undersigned thinks it proper to call attention to the doubt which exists as to the power of a Provincial Legislature to authorize the construction of a railway, the manifest intention of which is to connect the Province with the United States and practically to extend beyond the limits of the Province.

The undersigned begs to refer to the report of the Minister of Railways and Canals, dated the 2nd November last, and in view of all the foregoing facts, and because the Act now under consideration conflicts with the settled policy of the Dominion, as evidenced by the clause in the contract with the Canadian Pacific Railway Company above set out, which was ratified and adopted by Parliament, the undersigned recommends that the Act passed by the Legislature of Manitoba in the year 1881, and intituled: "An Act to incorporate the Winnipeg South-Eastern Railway Company" be disallowed.

A. CAMPBELL, Minister of Justice.

GOVERNMENT HOUSE, OTTAWA, 12th January, 1882.

PRESENT :

*His Excellency the Administrator of the Government in Council.*

Whereas, the Lieutenant-Governor of the Province of Manitoba, with the Legislative Assembly of that Province, did on the 25th day of May, 1881, pass the under-mentioned Act which has been transmitted, entitled as follows, viz. :—"An Act to incorporate the Winnipeg South-Eastern Railway Company." And whereas, the said Act has been laid before the Administrator of the Government in Council, together with a Report from the Minister of Railways and Canals, and the Minister of Justice, recommending that the said Act should be disallowed :

His Excellency the Administrator of the Government has, thereupon, this day, been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act and the same is disallowed accordingly. Whereof, the Lieutenant-Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

J. O. COTÉ, C.P.C.

I, Sir Patrick Leonard MacDougall, Administrator of the Government of Canada, do hereby certify that the undermentioned Act, passed by the Legislature of Manitoba, on the 25th day of May, A.D., 1881, intituled: "An Act to incorporate the Winnipeg South-Eastern Railway Company," was received by me on the 22nd day of November, A.D., 1881.

Given under my hand and seal this 12th day of January, 1882.

[L. S.]

P. L. MACDOUGALL, General, Administrator.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 17th January, 1882.

SIR,—I have the honor to transmit to you herewith a certified copy of an order of His Excellency the Administrator of the Government in Council, disallowing an Act of the Legislature of the Province of Manitoba, passed on the 25th day of May, 1881, intituled: "An Act to incorporate the Winnipeg South-Eastern Railway Company," with the certificate of His Excellency, as to its receipt duly endorsed thereon.

I also enclose, for the information of your Government, a copy of a Report of the Honorable the Minister of Justice, in reference to the said Act.

I have the honor to be, yours, &c.,

J. A. MOUSSEAU, Secretary of State.

His Honor the Lieutenant-Governor of Manitoba, Winnipeg.

CHAP. XXXVII.

An Act to incorporate the Winnipeg South-Eastern Railway Company.

[Assented to 25th May, 1881.]

Whereas a petition has been presented for the incorporation of a Company for the purpose of building a railway, starting at a point at or near the City of Winnipeg, and thence running in a south-easterly direction to a point on the boundary between the Province of Manitoba and the State of Minnesota, one of the United States of America, and it is expedient to grant the prayer thereof, therefore--

The Legislative Assembly of the Province of Manitoba enacts as follows:—

1. Peter McLaren, of the Town of Perth, in the County of Lanark, and Province of Ontario, lumber merchant; Arthur F. Eden, of the City of Winnipeg, merchant; Duncan McArthur, of the City of Winnipeg, banker; John Shields, of Rat-

Portage, in the District of Keewatin, contractor; Edward P. Leacock, of the City of Winnipeg, lumber merchant; James Gillespie, of the City of Winnipeg; contractor; John J. McDonald, of the City of Ottawa, in the Province of Ontario, contractor; William Henry Lyon, of the city of Winnipeg, merchant; John G. Haggart, of the town of Perth, in the County of Lanark, and Province of Ontario, Esquire; R. J. Whitla, of the City of Winnipeg, merchant; Honorable John Sutherland, of the Parish of Kildonan; Samuel L. Bedson, of Rockwood, Esquire; together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and the same are hereby constituted a body corporate and politic by and under the name of the Winnipeg South Eastern Railway Company.

2. The several clauses of the "Railway Act" of Manitoba shall be incorporated with and deemed to be part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only in so far as the same may be inconsistent with the express enactments thereof. And the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act.

3. The said Company and their servants and agents shall have full power and authority to lay out and construct, make, finish and operate a railway with single or double track, and an electric telegraph along the same, such railway to commence from a point at or near the city of Winnipeg, thence running in a south-easterly direction to the boundary line between the Province of Manitoba and the State of Minnesota aforesaid, and the Company shall have power and authority to construct the different sections of the said railway in such order as they shall see fit, keeping in view the general direction as herein provided.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars (with power to increase the same, as hereinafter provided), to be divided into two thousand five hundred shares of one hundred dollars each, and shall be raised by the persons hereinafter mentioned, and such other persons and corporations as may become shareholders in such stock, and the money so raised shall be applied, in the first place, towards the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the building, completing, operating and maintaining the said railway.

5. Peter McLaren, of the Town of Perth, in the County of Lanark and Province of Ontario, lumber merchant; Arthur F. Eden, of the City of Winnipeg, merchant; Duncan McArthur, of the city of Winnipeg, banker; John Shields, of Rat Portage, in the District of Keewatin, contractor; Edward P. Leacock, of the City of Winnipeg, lumber merchant; James Gillespie, of the City of Winnipeg, contractor; John J. McDonald, of the City of Ottawa, in the Province of Ontario, contractor; William Henry Lyon, of the City of Winnipeg, merchant; John G. Haggart, of the Town of Perth, in the County of Lanark and Province of Ontario, Esquire; R. J. Whitla, of the City of Winnipeg, merchant; Honorable John Sutherland, of the Parish of Kildonan; Samuel L. Bedson, of Rockwood, Esquire, shall be and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected, under the provisions of this Act, by the shareholders, and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and, as hereinafter provided, to call a general meeting of the shareholders for the election of Directors.

6. The said Directors are hereby empowered to take all necessary steps for opening the stock books for subscriptions of parties desirous of becoming shareholders in the said Company, and all persons subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their stock therein.

7. When and so soon as one-half of the said capital stock shall have been subscribed as aforesaid, and ten per cent. paid thereon, into the hands of the bankers or other authorized agents of the Company, and to the credit of the said Company, it

shall and may be lawful for the said Directors, or a majority of them, to call a meeting of the shareholders, at such time and place as they may think proper, giving at least thirty days' notice in two newspapers published in the Province.

8. On the first Monday in February in each year thereafter, there shall be holden a general meeting of the shareholders of the said Company, at the principal office of the said Company, at which meeting the shareholders shall elect nine Directors for the ensuing year, in the manner and qualified as hereinafter provided: and public notice of such annual general meeting and election shall be published one month before the day of election in at least two papers published in the Province; and the election of Directors shall be by ballot, and the persons so elected shall form the Board of Directors.

9. Until otherwise provided by a by-law of the Company a majority of the Directors shall form a quorum for the transaction of business, and the said Directors may employ one of their number as a paid Director; provided, however, that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls upon said stock.

10. In the election of Directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to a vote, either in person or by proxy, for each share of which he is the registered holder, and upon which all calls have been paid.

11. The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days notice shall be given in such manner as the Directors shall think fit.

12. Any Director may appoint another Director to be his proxy and to vote for him at the Board. The appointment may be as follows, or to the like effect:—"I appoint A. B. of \_\_\_\_\_, one of the Directors of the Winnipeg South Eastern Railway Company, to be my proxy as a Director of that Company, and as such proxy to vote for me at all meetings of the Directors of that Company, and generally to do all that I could myself do as such Director if personally present at such meeting. Dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D., \_\_\_\_\_ Signature.

13. All deeds and conveyances of lands to such Company for the purposes of this Act, in so far as circumstances will admit, may be in the form of the Schedule A. to this Act subjoined, or in any other form to the like effect; and for the purpose of the due enregistration of the same, all registrars in their respective counties or districts are required to register in their registry books such deeds and conveyances, upon the production and proof of the due execution thereof; and shall minute the enregistration or entry on such deeds; and the registrar shall receive from the said Company for all fees on every such registration, and for a certificate of the same, one dollar and no more; and such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

14. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange; nor shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said Company to issue

any notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a Bank.

15. The Directors of the said Company shall have power, upon being duly authorized by a vote of the majority of the shareholders in the said Company, present in person or by proxy, at any general meeting of the shareholders, whereof notice shall have been given as aforesaid, and in which notice shall have been stated and published the object of such meeting, to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking; and such bonds shall be, and be considered to be privileged claims upon the property of said Company, and shall be a charge upon the said railway without registration; provided, however, that no such bond secured by such charge shall be issued, until after fifteen per centum of the whole capital stock of the said Company, as provided by this Act, shall have been expended in and upon the said railway, and provided, also, that the whole amount raised by such bonds shall not exceed two-thirds of the capital stock of the Company.

16. It shall be lawful for the said Company to enter into any agreement with any other railway within this Province, for leasing the said railway, or any part thereof, or the use thereof at any time or times, or for any period to such other Company, or for leasing or for hiring from such other company any railway, or part thereof, or the use thereof, or for leasing and hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies of the railway, or moveable property of one or both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof.

17. The Directors of the Company may, subject to the rules and regulations from time to time of the Board, appoint an agent in the City of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office in the names of the transferees in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain may be entered on the books at the London office and scrip certificates issued for them, and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding upon the Company as to all the rights and privileges of shareholders, as though scrip certificates had been issued by the secretary of the Company in this Province.

18. Whenever any transfer shall be made in England of any share or stock of the Company, the delivery of the transfer duly executed to the agent of the Company for the time being in London aforesaid, or to the secretary of the London Board, if formed, shall be sufficient to constitute the transferee a shareholder or stockholder in the Company in respect of the share or stock so transferred, and such agent shall transmit an accurate list of all such transfers to the secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer of shares of stock as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividend, as they may find expedient, and all such regulations not being inconsistent with the provisions of this Act shall be valid and binding.

19. The Company shall from time to time cause the names of the several parties interested in the stock of the said Company, and the amount of interest therein of such parties respectively, to be entered in a book to be called "The Stock Register," and the several holders of such stock shall be entitled to participate in the dividends

and profits of the Company according to their respective interest therein; and such interest shall, in proportion to the amount thereof, confer on the respective holders the same privilege of voting qualification and otherwise as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges, except that of participation in the dividends and profits, shall be conferred by the holding of any aliquot part of such amount of stock, unless such aliquot part, if existing in shares, would have conferred such privileges respectively.

20. Duplicates of all registers of shares and debentures of the Company and the shareholders thereof, or of the stock register, which shall at any time be kept at the principal office of the Company in this Province (such duplicates being authenticated by the signature of the secretary of the Company), may be transmitted to and kept by the agent for the time being of the Company in London aforesaid, by the secretary of such Board.

21. The Company shall have the following powers, that is to say:—

(1.) The said Company may amalgamate with any other railway Company and may accept and receive such Company as forming part of the Winnipeg South-Eastern Railway Company, and such amalgamation may be by deed, which, however, shall not have any force or effect until it shall have been submitted to the shareholders of both Companies at meetings of such shareholders respectively, duly called for the purpose thereof, and approved by them.

(2.) By such deed of amalgamation it may be agreed that the amalgamating Companies shall thereafter form one Company, under the name of the Winnipeg South-Eastern Railway Company, of which change of name notice shall be given by advertisement, published for one month in the *Official Gazette*; and after such amalgamation all debts due and owing by the Companies parties to such amalgamation shall become due and owing by the amalgamated Company in the same manner as if they had been originally contracted by it; and upon being approved of by the Lieutenant-Governor in Council, all the assets and property of the Companies parties to such amalgamation, shall become vested in the amalgamated Company, in the same manner and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges and charges thereon; and by such deed the proportion of stock which shall be represented by each Company shall be settled, and provision shall be made for giving the voting power to the stockholders of such of the Companies as shall be entitled thereto, either by the retention of the stock originally issued to them, or by the conversion thereof, on terms which shall be agreed upon by the said deed, into stock of the amalgamated Company; and by such deed also the number of Directors to constitute the Board of Directors of the amalgamated Company shall be fixed, and the mode of appointing the first Board of such Directors shall be established; leaving subsequent Boards of Directors to be elected at the annual meeting of the amalgamated Company, in the manner provided by law for the election of the Directors of the Winnipeg South-Eastern Railway Company.

22. The Winnipeg South-Eastern Railway Company or the amalgamated Company, shall have power to receive from the Dominion and Local Governments or any other source such grant or grants of land or of money, or both, as the said Governments or such other parties or corporations may think proper to make to it in aid of the construction of the said railway, and to hold and dispose of the same in such manner as may be prescribed by the terms of such grant or grants.

23. This Act and all the provisions thereof shall become null and void unless the construction of the said railway be commenced within two years, and completed within five years of the passage of the same.

24. The Interpretation Act shall apply to this Act, and this shall be deemed a Public Act.

#### SCHEDULE A.

##### FORM OF DEED OF SALE.

Know all men by these presents, that I, A. B., do hereby in consideration of paid to me (or as the case may be) by the Winnipeg South-Eastern Rail-



way Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Company, their successors and assigns forever, all that certain parcel or tract of land situate (describe the land,) the same having been selected and laid out by the said Company for the purposes of their railway; to have and to hold the said land and premises, together with everything pertaining thereto, to the said Company, their successors and assigns forever.

Witness my (or our) hand (or hands) and seal (or seals) this . . . . . day  
of . . . . ., one thousand eight hundred and

. A. B. [L. S.]  
C. D. [L. S.]

Signed, sealed and delivered in presence of E. F.

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## RETURN

(167)

To an ADDRESS of the HOUSE OF COMMONS, dated 20th February, 1882:—  
For Copies of all Representations made during the last twelve months by either of the Sections of the Bar of the Province of Quebec, or Members thereof, with reference to Judicial Appointments in that Province.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
3rd May, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing the above Return is not printed.]

## RETURN

(168)

To an ORDER of the HOUSE OF COMMONS, dated 22nd March, 1882:—

For a Return showing the number and situation of Fish-Breeding Establishments throughout the Dominion; whether situate on Government land or on leasehold; from whom the Property was bought and leased; what price paid for Purchase or Lease; sums of Money expended on each since its establishment and the expense of management; the number of Fry from each Establishment in each year and how distributed.

By Command,

J. A. MOUSSEAU,

Department of the Secretary State,  
20th April, 1882.

*Secretary of State.*

SCHEDULE of the several Fish-Breeding Establishments in the Dominion of Canada, 1882.

Name and Location of Hatchery.	Title.	How held.	Cost of Management.		Distribution of Fry.		Remarks.	
			Year.	Amount.	Year.	Number of Fry.		
Newcastle, Ont..	Ten acres of land and water privilege at Newcastle on the shores of Lake Ontario under twenty-one years' lease from S. Wilmot, Esq., and Hon. G. M. Clark.	Rent \$200 per annum for land, and \$100 for water privilege.	1870	\$ 1,674	1870	In Lake Ontario and inland streams and lakes of the Province of Ontario.	(a) Additions to hatchery is included in this. (b) About \$450 of this amount went to pay for tanks and hatching troughs. (c) Of this amount about \$890 were expended for carpenters work, perforated trays, hatching troughs, paraffine varnish, California salmon ova, &c., which might fairly be divided between this and other Government hatcheries	
			1871	2,448	1871			1,070,000
			1872	1,797	1872			350,000
			1873	1,044	1873			650,000
			1874	3,405	1874			700,000
			1875	4,728	1875			1,300,000
			1876	3,917	1876			2,505,000
			1877	5,267	1877			2,602,700
			1878	2,324	1878			1,830,000
			1879	4,171	1879			3,300,000
			1880	2,359	1880			5,850,000
			1881	2,526	1881			.....
			1881	.....	.....			.....
Sandwich, Ont..	No. of Eggs laid down....	Under lease for twenty-one years, renewable at \$20 per annum.	1875	3,183	.....	Detroit River and other parts of the Province of Ontario.	(a) Of this amount \$4,000 is chargeable to building contract and purchase of engine and pump. (b) A sum of \$2,000 chargeable to building contract and purchase of engine and pump.	
			1876	7,561	1876			800,000
			1877	4,374	1877			800,000
			1878	2,546	1878			2,000,000
			1879	2,571	1879			12,000,000
			1880	2,869	1880			13,500,000
			1881	2,896	1881			16,000,000
			.....	.....	.....			25,000,000
			.....	.....	.....			.....
			.....	.....	.....			.....
			.....	.....	.....			.....
			.....	.....	.....			.....
			.....	.....	.....			.....
.....	.....	.....	.....					
Tadoussac, Que..	Fourteen lots in the village of Tadoussac, with water power and mill privileges, saw mill, grist mill, tidal dam, wharves and water flume, valued at \$6,000.	Free grant to Department by Hon. D. E. Price	1874	536	.....	Saguenay River and tributaries and other streams in the Province of Quebec.	(a) About \$2,000 of this amount was expended on additions and repairs to hatchery.	
			1875	2,943	1875			60,000
			1876	4,558	1876			150,000
			1877	3,198	1877			1,180,000
			1878	3,061	1878			707,000
			1879	2,445	1879			1,250,000
			1880	1,650	1880			1,155,000
			1881	2,040	1881			334,000
			.....	.....	.....			.....
			.....	.....	.....			.....
			.....	.....	.....			.....
			.....	.....	.....			.....
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.....	.....	.....	.....					
.....	.....	.....	.....					

Location	Description	Year	Cost	Notes	
Gaspé Basin, Que.	One acre of land purchased from Henry Davis.	1873	485	Paid for purchase of land \$60.	
		1874	3,270		
		1875	3,163		
		1876	2,602		
		1877	1,519		
		1878	2,069		
		1879	1,569		
		1880	1,772		
		1881	1,786		
		1881	607,000		No. of Eggs laid down.....
Magog, Que.....	Old mill site and water privilege belonging to Magog Manufacturing Co.	1881	228	Under lease for ten years (renewable) at \$50 per annum.	
		1881		No. of Eggs laid down.....	
ccRestigouche, Que	Two acres of land at Dee Side on the Restigouche River purchased from William Robertson.	1873	1,254	Paid for purchase of land \$50.	
		1874	366		
		1875	810		
		1876	1,167		
		1877	954		
		1878	1,556		
		1879	1,758		
		1880	1,278		
		1881	1,352		
		1881			No. of Eggs laid down.....
Miramichi, N.B..	Two hundred and fifty acres of land at Stewart's Brook, about five miles above Newcastle, purchased from Hon. Robert Hutchison.	1874	(a) 3,712	Paid for purchase of land, \$850.	
		1875	1,678		
		1876	1,890		
		1877	1,389		
		1878	1,468		
		1879	1,139		
		1880	1,748		
		1881	1,290		
		1881			No. of Eggs laid down.....
		Dartmouth, York and St. John	Rivers and other streams in the neighborhood of Gaspé.		1874
1875	110,000				
1876	50,000				
1877	1,051,000				
1878	650,000				
1879	1,597,000				
1880	730,000				
1881	500,000				
1881	607,000			No. of Eggs laid down.....	
Lakes and rivers in the Eastern Townships.	Lakes and rivers in the Eastern Townships.			1881	200,000
		1881	300,000		
		1881			
		1881			
		1881			
		1881			
		1881			
		1881			
		1881			
		1881			
Restigouche River and tributaries and streams on Bay des Chaleurs.	Restigouche River and tributaries and streams on Bay des Chaleurs.	1874	1,000,000		
		1875	600,000		
		1876	300,000		
		1877	600,000		
		1878	1,015,000		
		1879	1,470,000		
		1880	1,500,000		
		1881	740,000		
		1881	1,500,000		No. of Eggs laid down.....
		In Miramichi River and tributaries, and Nipissiquit River.	In Miramichi River and tributaries, and Nipissiquit River.		1874
1875	150,000				
1876	60,000				
1877	320,000				
1878	665,000				
1879	1,025,000				
1880	805,000				
1881	770,000				
1881	700,000			No. of Eggs laid down.....	

SCHEDULE of the several Fish-Breeding Establishments in the Dominion of Canada, 1882—*Concluded.*

Name and Location of Hatchery.	Title.	How held.	Cost of Management.		Distribution of Fry.			Remarks.
			Year.	Amount.	Year.	Number of Fry.	Where deposited.	
St. John River, N.B.	Four acres of land at Rapid des Femmes, about three miles below Grand Falls, leased from Margaret Pickett, with right of purchase at any time for \$300.	Annual rent, \$60	1880	\$ 3,851	1880	170,000	In the St. John River and tributaries.	(a) Out of this amount \$2,439 went on account of contract for building.
			1881	2,166	1881	50,000		
Bedford Basin, N.S.	About half an acre of land on Sackville River, nine miles from Halifax, purchased from W. M. Harrington.	Paid for purchase of land, \$600.	1881	.....	.....	576,000	In rivers of Halifax, Pictou and neighbouring counties.	(a) Of this amount \$3,233 must be reckoned against building contract and purchase of land.
			1876	6,533	1876	395,000		
			1877	3,488	1877	1,000,000		
			1878	3,400	1878	1,400,000		
			1879	2,687	1879	1,740,000		
			1880	3,253	1880	730,000		
			1881	2,608	1881	680,000		
Sydney, C.B., Nova Scotia.	Sixty-five by fifty feet of land, with use of mill-dam and water privileges purchased from Jos. Dobson.	Paid for purchase of land, \$150.	1881	.....	.....	.....	.....	Began operations in 1881.
			1880	69	.....	.....		
			1881	846	.....	.....		
Dunk River, P.E.I.	One acre of land granted free by Hon. J. C. Pope.	No. of Eggs laid down.....	1881	.....	.....	450,000	In Dunk and Moresl Rivers.	(a) Out of this amount \$2,925 is on account of contract and on building hatchery reception house and retaining dams. Title incomplete. Proceedings being taken to expropriate at \$50.
			1880	4,494	1880	500,000		
			1881	852	1881	375,000		
			1881	.....	.....	1,400,000		

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## RETURN

(169)

To an ORDER of the HOUSE OF COMMONS, dated 1st May, 1882;—For Copies of all Papers, Correspondence and Affidavits in connection with the Robbery of the Post Office kept by Nathan Cleveland, at Alma, Albert County, New Brunswick.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
4th May, 1882.

*Secretary of State.*


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## RETURN

(170)

To an ADDRESS of the SENATE, dated 19th April, 1882:—For Copies of all Correspondence between the Government of Canada and the Government of New Brunswick, all Letters, Orders in Council, Petitions, and generally all Documents concerning certain Acts passed by the Legislature of New Brunswick in 1869, concerning the issuing of Marriage Licenses, the Publication of Banns of Marriage, and the determining the proper Persons to legally celebrate Marriages; also, Copies of all Documents concerning the reference of these questions to the Imperial Authorities, and of the decision or opinion received from the said Authorities.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
28th April, 1882.

*Secretary of State.*


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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## R E T U R N

(171)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882;—For a Return of all import Duties collected at or near the Boundary Line between the Province of Manitoba and the Rocky Mountains.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
3rd May, 1882.

*Secretary of State.*

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## M E S S A G E

(172)

Transmitting Copy of a Minute of the Privy Council of Canada, dated 8th May, 1882, on the subject of the establishment of the Provisional Districts in the North-West Territories.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Return and Message are not printed.]*



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## RETURN

(173)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882:—For Copies of all Reports, Petitions, Papers and Correspondence addressed to the Government or any Department thereof, by the Huron and Ontario Ship Canal Company or by any other parties, on the subject of the construction of a Ship Canal to connect the Waters of Georgian Bay with those of Lake Ontario.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
5th May, 1882.

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## RETURN

(174)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882:—For Copies of Advertisements and Tenders, for Reports on and Correspondence connected with the Contract for new Lock Gates for the Cornwall Canal, given last summer, and copy of such Contract.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*Department of the Secretary of State,  
5th May, 1882.

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

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## RETURN

(175)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882:—For a Return showing the Number of Feet, board measure, of all kinds of Lumber, also of the number of thousands of Shingles and Laths which passed through the Grenville Canal during the years 1879, 1880 and 1881, and upon which Tolls were paid, the said Return to show whether the tolls were paid at Ottawa or Grenville.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
5th May, 1882.*Secretary of State.*

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## LIST

(176)

Of Names, Address and Pay of the Engineers and Firemen employed in the Public Buildings, Canada, and the Amount required to pay the same, when transferred to the Public Works Department

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*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return and List are not printed.]*

## RETURN

(177)

To ADDRESS for Copies of all Charges made against Lieutenant-Colonel Walter Ross, of the 16th Battalion Volunteer Militia, while in command of the Camp at Picton.

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## RETURN

(178)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882 :—For a Return showing, in detail, the number of square feet of Lumber of different kinds shipped from the Ports of Kingston, Brockville and Prescott, during the years 1879, 1880, and 1881, together with the total value of each description. Also a Return showing the number of thousand of Shingles and Laths shipped from the same Ports, during the same years, together with the total value thereof under each head.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
11th May, 1882.

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*[In accordance with the recommendation of the Joint Committee on Printing, the above Returns are not printed.]*

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## RETURN

(179)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882 :—For Copies of all Letters, Reports, and Documents respecting the appointment of a Judge in the County of Gaspé, and the system of Judicial decentralization in Canada.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
15th May, 1882.*Secretary of State.*

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## RETURN

(180)

To an ORDER of the HOUSE OF COMMONS, dated 15th March, 1882 :—For Copies of all Correspondence between Thomas Potts of St. John, N.B., and the Honorables the Finance Minister, the Postmaster-General, and the Minister of Agriculture, or any Officers in their Departments, regarding the destruction or abstraction of Letters addressed to him from the Department of Agriculture.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
15th May, 1882.*Secretary of State.*

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[In accordance with the recommendation of the Joint Committee on Printing,  
the above Returns are not printed.]

## RETURN

(181)

To an ORDER of the HOUSE OF COMMONS, dated 27th February, 1882 :—For all Petitions, Correspondence, &c., forwarded to the Government or any Department thereof relating to the change of name of the “ Hope-well Corner ” Post Office to that of “ Albert,” in the County of Albert, N. B.

By Command,

J. A. MOUSSEAU,

*Secretary of State.*

Department of the Secretary of State,  
15th May, 1882.

*[In accordance with the recommendation of the Joint Committee on Printing,  
the above Return is not printed.]*

## PAPER

(182)

Relating to the "M. C. Upper," for Damages sustained in the Welland Canal, by the Breaking of the Lock Gates.

St. CATHARINES, 16th Jan, 1878.

SIR,—I beg to enclose an account of L. McCallum, Esq., against the Government of Canada for damages sustained by one of his vessels in the Welland Canal, caused by the breaking of the lock gates of Lock No: 21 and the waste-weir in the level below such lock. The amount of the account is \$7,931.34, and I hope the Government will cause it to be paid at an early day.

Yours, &c.,  
J. G. CURRIE.

F. BRAUN, Esq., Secretary Public Works Department, Ottawa.

The Government of the Dominion of Canada.

To L. McCALLUM, Dr.

To damages sustained to schooner "M. C. Upper," in the Welland Canal, by the breaking of the Lock No. 21, and the waste-weir in level below.		
July 8.—To damages to rigging.....		112 00
" " lines in blocks.....		56 00
" help to load timber (paid).....		16 00
" extra help to pump vessel and keep her afloat.....		188 00
" horse hire and telegraphing.....		15 00
" Tow bill to Collins Bay and back (Exhibits B and F).....		165 00
" Mr. Schickluna, bill for repairs (Exhibit G)	2,379	34
" work of Capt. Mabe and two men for one month, helping on repairs.....	240	00
" loss of vessel's time while undergoing repairs, 30 days at \$50 per day.....	1,500	00
" damages sustained to vessel by not being as good as she was before she was broken, or what is considered impossible to repair (Exhibit D) .....	3,200	00
" L. McCallum's services for 6 days.....	60	00
		\$7,931 34

In re the claim of L. McCallum, Esq., M.P., for damages to the schooner "M. C. Upper," in the Welland Canal in 1874.

Report under the Act 41 Vict., Chapter 8.

HAMILTON, ONT., 8th February, 1881.

Hon. Minister of Railways and Canals, Ottawa.

SIR,—I now beg to make you the report of my examination into the claim of Lachlan McCallum, Esq., M.P., for damages done to the schooner "M. C. Upper" in the Welland Canal, through the breaking of the gates of Lock No. 21 by the schooner "Louise," in 1874.

I also send you herewith the evidence taken in this case and the minutes of the meetings of my arbitration Courts from day to day.

*A preliminary investigation.*

The Order of the House of Commons, dated 31st of March, 1879, and the Return which it produced (filed in this case as Exhibit C) may be regarded as preliminarily connected with this enquiry; and my recalling its contents seems to me the most natural way to commence the elucidation of Mr. McCallum's contention. The Return is of "all reports, letters or correspondence by the Superintendent, Welland Canal, as to the damages to Lock No. 21 on the Welland Canal, in the year 1874, by the schooner "Louise"; also copy of bond (filed in this case as Exhibit N) given by Matthew and John Battle, to secure the payment of said damages; also statement giving the date of payment of said bond, if paid, and copies of all letters by Mr. John Battle to the Government or any of the Departments, about the payment of bond given for said damages."

It appears from this Return that two facts were early features of this case of the "Louise," which tended to complicate the consideration of the damages to the "M. C. Upper." *Firstly*, The owner of the "Louise," as might be expected, set up the plea of the insufficiency of the lock-gates, as a means of getting reduced to the lowest point the payment by him for the damages which his vessel occasioned. *Secondly*, We also find the unfortunate fact that the matter of the lock-gates of No. 21, was not understood by the Department, in 1874, or until after a settlement had been come to with the owner of the "Louise," and that therefore the contention of the owner of the "Louise" prevailed, so far as to give the appearance of the admission by the Government of the rottenness of the lock-gates. Pages 6 and 7 of the Return show that the settlement was arranged by the local member of the House of Commons with the Minister of Public Works. And this extraordinary settlement with the "Louise," not only without her being looked to for the payment of the consequential damages to the "M. C. Upper" (which may be according to the law) but without the Government getting an amount in any way approximating to the injury done even to the lock-gates themselves, could not but have given great countenance to Mr. McCallum's contention; although subsequently Mr. McCallum's claim, based upon the same argument as that of the owner of the "Louise," of the bad state of the lock-gates, was positively refused to be entertained.

*The Government's Extraordinary Settlement with the Louise.*

Mr. Bodwell, the Welland Canal Superintendent's report of the accident, is found in the printed Parliamentary Return alluded to at page 2nd, as follows:—

SUPERINTENDENT'S OFFICE, WELLAND CANAL,  
ST. CATHARINES, October 16th, 1874.

To F. BRAUN, Esq., Secretary of Public Works.

SIR,—I have the honor to report that on the 7th July last, as per telegram of that date, the schooner "Louise," of St. Catharines, carried away all the gates of Lock No. 21 on the Welland Canal; that in forty-eight hours thereafter they had been repaired and re-opened. It was not then and has not since been disputed that the accident occurred through the carelessness of those in charge of the vessel. I allowed the vessel to proceed on receipt of the enclosed bonds, taken by Mr. Currie, the Solicitor of the Welland Canal, and signed by Mr. Matthew Battle, the owner of the schooner, and his brother, John Battle, of Thorold.

I have assessed the damage at eleven hundred dollars.

It was contended by Mr. Battle that the gates were rotten and nearly worthless. I admit that the timber in one or two of the gates was somewhat decayed, but not so badly as to prevent their use for some years yet, while one of the gates was nearly new; the others had been in use eight years. Estimating a new set of gates as worth at the present time, say \$2,000, I thought an allowance of a difference between new

gates and the old ones of nine hundred dollars a reasonable allowance. I am still of that opinion. I have informed Mr. Battle of my decision and have asked him for payment.

I have the honor to be, your obedient servant,  
E. V. BODWELL, Superintendent Welland Canal.

And in the records of proceedings before me there will be found Mr. Bodwell's answers to Mr. McCallum's cross-examination, as follows:—

Q. Do you not say in that report that one of the gates was nearly new?—I do.

Q. You estimated the value of the four gates at \$2,000, that is \$500 each. What, then, was the one nearly new worth?—About \$455, taking a new gate at \$500.

Q. Did you not take Mr. Battle's bond and assess the damages at \$1,100?—I did.

Q. Did not the Government afterwards reduce the amount to be taken for the bond to \$600, as you see by statement Exhibit C, page 7?—I only know it by the parliamentary returns which I believe correct.

Q. You estimated the cost of four new gates at \$2,000?—Yes.

Q. Then you made a difference between new gates and those that were in the lock at the time at \$900?—Yes.

Q. That would leave the value placed by you on the gates of Lock No. 21, before the Louise broke the gates, at \$1,100?—Approximately so.

Q. If you take the price of the new gate as spoken of by you at \$465 from \$1,100, how much will then remain?—\$635.

Q. If you take the \$500 reduction made to Mr. Battle, on his contention that the gates were rotten, from \$635, how much will be left?—\$135.

Q. Does not this \$135, therefore, represent the value of the three old gates that were in the lock at the time of the break, and is this not about the value of the old iron?—On the supposition that the Government received full value for the nearly new gate, the \$135 represents what they received for the three old ones, being less than the value of the irons which were not a total loss to the Government.

From the foregoing it appears that Mr. Bodwell valued the three old gates at \$635, and the value to the Government of the old irons on them would bring this up to about or near \$750, which is one-half the price of the three new ones; but, in the face of this, we find that the Government made the extraordinary settlement with the owner of the Louise of accepting \$135 for the three old gates, which sum and the value to the Government of the old irons would be about \$250 for what it would cost \$1,500 to replace.

*Explanation regarding Mr. McCallum's Claim.*

The amount of Mr. McCallum's claim is \$7,931.34 (seven thousand nine hundred and thirty-one dollars and thirty-four cents), the details of which are given in Exhibit H.

In his evidence the Canal Superintendent, Mr. Bodwell, admits his being aware that Mr. McCallum placed this claim in J. G. Currie's hands for collection from the Government immediately on the repairs of the "M. C. Upper" being completed in 1874. The account, however, does not seem to have been rendered by Mr. Currie till 16th January, 1878, when he wrote a letter to Mr. Braun, Secretary, Public Works Department, which, for convenience, I have put into the bundle of exhibits under the letter R. And upon this Mr. Bodwell made his report (on which the Government acted in refusing to entertain the claim) on 13th July, 1878. This document is Exhibit L. The Department on 5th August, 1878, notified Mr. Currie that the claim could not be entertained, as will be seen by Exhibit R. And Mr. McCallum, on 6th March, 1879, asked for the arbitrators enquiry, of which this is the report. This letter, for convenience, I have put with the exhibits under the letter S.

I have satisfied myself that Mr. McCallum's account does not over-state his loss from the accident to the "M. C. Upper," but the contrary, for scarcely any recovery can compensate for so great a calamity as having a vessel "hogged" or made a broken backed vessel.



*The Welland Canal Superintendent's Report.*

The evidence is so voluminous (reaching to 129 pages) that I see the simplest way to give a clear view of the position of this case is to transcribe here the Report of the Welland Canal Superintendent, and to say afterwards what parts of it will be found borne out by the evidence, and what parts will be found contradicted by the evidence.

SUPERINTENDENT'S OFFICE, WELLAND CANAL,  
ST. CATHARINES, July 18th, 1878.

To F. BRAUN, Esq., Secretary Public Works Department, Ottawa.

SIR,—I have the honor to acknowledge the receipt of your letter, No. 42,826, of the 19th January last, referring to me "for examination and report a claim amounting to \$7,931.34, made by Mr. McCallum for damage alleged to have been sustained by one of his vessels by the breaking of Lock No. 21 on the Welland Canal."

On the 6th day of July, 1874, the gates of Lock No. 21 were carried away by the schooner "Louise." At the time of the accident the schooner "M. C. Upper," loaded with timber, was lying above said lock No. 21.

The force of the current, as the water rushed from the level above the lock where the gates were carried off, was so great that the lines of the "M. C. Upper" parted and she was carried partly into the lock and rested upon the breast wall. She was badly sprung and no doubt seriously damaged, but was ultimately floated out and proceeded on her journey without unloading, but as I understand in tow of a tug. She afterwards went on Mr. Shickluna's dock here for repairs.

In the first place, the damage sustained was occasioned by no defects of duty on the part of the officials in charge of the works. In the second place the vessel lay moored within 110 feet of the lock, whereas, see No. 19 of the canal regulations, it is provided that "when several boats or vessels are lying by or in waiting to enter any canal they shall lie in single tier and a distance of not less than 300 feet from such lock or entrance." Had the "M. C. Upper" been moored 300 feet above Lock No. 21, the chances are that if she parted her lines, loaded as she was, the rapidity with which the water lowered would have caused her to rest on the bottom of the canal before she reached the breast-wall and no damage would have been sustained. It cannot be said that the level in which she lay was a short level, and that there was not room for the vessel to moor 300 feet above as the distance from the foot of Lock No. 22 to the head of Lock No. 21 is 1,215 feet.

In the third place, it is stated by the lock-tenders that the "M. C. Upper's" lines with which she was snubbed at the time were not taut, giving the vessel room to get under headway before the strain upon the lines commenced, and it is their belief that if the lines had been taut they would not have parted; of this I have no personal knowledge, as I was not on the spot at the time of the accident.

Upon the above consideration, I fail to see any ground for Mr. McCallum's claim upon the Government, unless it be held that the Government is responsible for accidents on Government works which are caused by the neglect, carelessness, or malicious acts of individuals not in the employment of the Government. It is not even alleged that any neglect or carelessness on the part of the officers of the canal caused the accident.

As it appears plain to me that Mr. McCallum's claim for damages cannot be entertained as against the Government, I do not see that it is necessary to consider the question of account with reference to the item it contains, although I notice that \$50 per day for the use of the vessel while she was detained is claimed, where other schooners, the steam-trade, etc., only claim \$25 per day.

I have the honor to be, Sir, your obedient servant,  
G. V. BODWELL, Superintendent.

*My Conclusion.*

I have before stated that I am satisfied that Mr. McCallum's account does not overstate his loss, but the contrary. Both Mr. Bodwell in his report (as above), and

Mr. McCarthy, counsel for the Crown in the case, have felt it to be their duty to object to the high charge made for lay days, and no doubt the charge is unusually high, but so were freights at the time in 1874, and the figure charged did not nearly pay McCallum's loss for want of his vessel at the particular period. And the attempt in the foregoing report to impugn the management of Mr. McCallum's vessel has entirely failed while it is made clear that Mr. McCallum is a great sufferer without any fault of his own, unless it be that with so bad an opinion of the state of the canal he did not insure his vessel. But, on the other hand, there is no doubt that the evidence brought before me has supported the Superintendent's contention that the damage sustained by the "M. C. Upper" was occasioned by no defects in the Government works nor by any neglect of duty on the part of the officials in charge of the works, and it is now my duty to report that the damage to the schooner "M. C. Upper" was caused by the mismanagement of those on board the schooner "Louise," and not by the defective condition of the gates on Lock No. 21 on the Welland Canal. Allow me, before closing to refer you to the very able arguments before me of counsel, which are Exhibits P and Q.

I have the honor to be, Sir, your obedient servant,  
ISAAC BUCHANAN, Official Arbitrator.

OTTAWA, 29th May, 1879.

SIR,—I have the honor to reply to your letter of the 8th instant, referring for opinion the claim made by the owner of the schooner "M. C. Upper" for damages on account of an accident which happened in the Welland Canal.

According to the fact as disclosed in your letter, it would appear that there was no defect in the Government works, or neglect on the part of the officials in charge of those works, and that the accident was brought about by the carrying away of the gates of Lock No. 21 through the carelessness of those in charge of another vessel which was passing through the lock. If such be the case, I am of opinion that the Government is not liable for the damages done to the vessel "M. C. Upper."

I may mention, however, that Mr. McCallum, the owner of the "M. C. Upper," had an interview with me on the subject. He states that the accident was caused, not by the carelessness of those in charge of the other vessel, but because the gates of the canal were rotten and not fit for their purpose. He further states that he can shew that those in charge of his vessel were in no way to blame for the accident.

These are matters of fact upon which I can offer no opinion, but I think the case is one which it would be proper for the Minister, should he think fit to do so, to refer to one or more of the official arbitrators for examination, and report under the 3rd section of the Act 41st, Vic. (1878) chap. 8.

It is evident that the true facts of the case can never be known by the Government, unless they are enquired into by some tribunal having power to summon witnesses and examine them upon oath.

If the Minister determined to make the reference suggested, please inform me of the time and place appointed, in order that this Department may name counsel to attend the case.

I am, Sir, your obedient servant,

Z. A. LASH, D.M.J.

F. BRAUN, Esq., Secretary, Department Public Works.

OTTAWA, March 15, 1881.

Re Claim Lachlan McCallum for damages sustained by schooner "M. C. Upper" in Welland Canal.

SIR,—I have carefully considered the evidence taken by Mr. Buchanan, one of the official arbitrators in the above matter, and his Report thereon.

The reference which you have made of the case does not specify any particular question upon which my opinion is asked.

I presume therefore that an opinion is desired upon the whole matter.

Treating the Government as if they were a private company owning the Welland Canal, with authority to collect tolls from vessels using the same, and treating this claim as if it were an action brought by Mr. McCallum in Court against the owners of the Canal for the damages sustained by his vessel, and treating Mr. Buchanan's report as if it were the verdict of a jury, I have come to the conclusion that, under the evidence in this case, the Court would set aside the verdict and order a new trial before another jury.

Mr. McCallum's claim is based upon the contention that the lock gates which gave way after being struck by the boat "Louise" were not reasonably fit for the purposes of the canal, and that had they been in proper repair they would not have given away under the blow from the "Louise," and that consequently the injury to his boat would not have been caused, and that the blow from the "Louise" was not greater than the gates, if in a proper state, should have withstood.

The Government base their defence upon two grounds:—1st. That Mr. McCallum's boat was moored in an improper place in the canal, and contrary to one of the canal regulations. 2nd. That the gates were in good order and reasonably fit for the purposes of the canal and for the safety of vessels therein.

Upon the evidence taken before Mr. Buchanan there seems to be little doubt that the first contention of the Government was not sustained. It is true that one of the canal regulations was not strictly complied with by those in charge of Mr. McCallum's boat; but, under the circumstances disclosed in the evidence, I think that the non-compliance therewith was not such contributory negligence on the claimant's part as would bar his claim.

Mr. Buchanan reports that the attempt to impugn the management of Mr. McCallum's vessel entirely failed.

With respect to the second contention of the Government, Mr. Buchanan concludes his report as follows:—"And it is now my duty to report that the damage to the schooner "M. C. Upper" was caused by the mismanagement of those on board the schooner "Louise" and not by the defective condition of the gates on Lock No. 21 of the Welland Canal."

Had the reference to Mr. Buchanan been made to him for award instead of merely for an enquiry and report, Mr. McCallum would, under the statute in that behalf, have been entitled without the consent of the Government to appeal to the full Board of Arbitrators.

Were I quite satisfied with Mr. Buchanan's finding upon the evidence I would not recommend the re-opening of the case. I think, however, that the Department would hardly be justified without first obtaining the report of the full Board of Arbitrators upon the questions of fact involved in absolutely repudiating Mr. McCallum's claim on the strength of Mr. Buchanan's report alone, because, as above-mentioned, I think, had it been the verdict of a jury, the Court would have set it aside and ordered a new trial. In making a new reference to the full Board of Arbitrators for enquiry and report, the Department will be doing no more than Mr. McCallum would have had a right to had the case come before Mr. Buchanan in a different shape. I think, therefore, that if the claimant desires it a reference to the full Board should be made.

Z. A. LASH, D.M.J.

Papers returned.

F. BRAUN, Esq., Secretary, Department Public Works.

*In re L. McCallum.*

Hon. Minister of Railways and Canals.

SIR,—The official arbitrators, to whom was referred the claim of Lachlan McCallum, for the sum of \$7,931.34 on account of damages alleged to have been sustained by his schooner, the "M. C. Upper," at Lock No. 21, on the Welland Canal, beg leave to report:

That on the 6th day of July, 1874, the schooner "M. C. Upper," owned by Lachlan McCallum, was lying in the reach above Lock No. 21, in the Welland Canal, made fast by three  $4\frac{1}{2}$  inch lines, at a distance of less than 300 feet from said lock, waiting until the schooner "Louise" passed up through the lock.

The "Louise" came with such force and speed into the lock, that missing her snub, she ran against the gates and broke, or rather unmitred them, allowing the water in the reach above to escape, which it did with such force as to reverse and break the gates, and the lines of the "M. C. Upper" parting, she was carried partly into the lock, jamming the gates against the wall, and resting on the breast wall was badly sprung, and seriously damaged, though not to such an extent as to prevent her from being floated, and proceeding on her journey in tow of a tug.

E. V. Bodwell, the then Superintendent, estimated the damage done to the gates at \$1,100, and on taking a bond from the owner of the "Louise" for the sum of \$3,000, allowed the vessel to depart. In the month of March, 1877, this bond was given up, on the payment of the seemingly small sum of \$600.

On the 16th day of January, 1878, ten months after the bond had been given up, and three years and six months after the accident happened, Mr. McCallum preferred a claim against the Government for the sum of \$7,931.34. In support of his claim, Mr. McCallum asserts, that the accident was caused by the defective, rotten, and bad condition of the gates, and the gross carelessness and negligence of the officers of the canal, and that the men in charge of the schooner "Louise" were, by their negligence, contributory thereto.

This contention is not borne out by the evidence. It has been proved that the gates—with the exception of a portion of the heel post above water, in one gate—were sound and in regular working order. There is no reason to believe the result would have been otherwise if the gates had been new. The damage was not caused, either by defective gates, or negligence on the part of the officers of the canal, but solely by the mismanagement of those on board the schooner "Louise," in running her against, and breaking—or rather unmitreing—the gates.

Counsel for the Government contends that the officers in charge of the "M. C. Upper," were contributory to the damage by mooring their vessel—contrary to rule—at a distance shorter than 300 feet from the lock. If ever this rule was enforced, and of which there is no evidence, use and want has long ago rendered it obsolete.

Witnesses all testify that the "M. C. Upper" was in her proper place where vessels are regularly moored. There is no evidence to show that the officers in charge of the "M. C. Upper" were in any way contributory to the damage.

There can be no question but that by this accident Mr. McCallum has sustained damage to the amount of nearly \$3,000, and that by no contributory negligence on his part. But the question "To whom should he look for compensation?" is not so easily answered. If Mr. McCallum were travelling on a toll road, and by some obstruction or defect in the road, had his vehicle damaged, an action would lie against the company or municipality who owned the road. But whether such action could be maintained against the Crown, or whether Mr. McCallum has forfeited his claim by not filing it within twelve months after he sustained the loss, are questions to be settled by the legal advisers of the Government.

All which is respectfully submitted.

JAMES COWAN.

(True Copy.)

CHARLES THIBAUT,  
Secretary to the Official Arbitrators.

Montreal, 14th July, 1881.

*In re Lachlan McCallum.*

Hon. the Minister of Railways and Canals.

SIR,—We have the honor to inform you that the claim of Lachlan McCallum, Esq., having been referred to the Board of Arbitrators for investigation and report,

the Board met at Port Colborne, Ontario, on the 21st of April last, and entered upon the examination of the papers and evidence submitted to us, and heard the arguments of the claimant and the counsel for the Crown.

It appears from the evidence and papers submitted that on the 7th day of July, 1874, the schooner "M. C. Upper," owned by Lachlan McCallum, was moored above Lock No. 21 of the Welland Canal, waiting until another schooner called the "Louise," belonging to Matthew Battle, could pass up through the lock in order that she might proceed down. The "Louise" came with such force and speed into the lock, that she ran against the upper gates and unmitred them. In consequence of this, the water in the level or reach above the lock escaped with such force as to reverse or break the gates, and the "M. C. Upper," parting her lines, was carried partly into the lock, jammed the gates against the wall, and rested on the breast wall. This vessel had her back broken, or in nautical phrase, got "hogged." Although thus badly damaged, she was, in consequence of being laden with timber, enabled to be floated off and to proceed on her voyage in tow of a tug-boat. The extent of the damage and loss sustained by Mr. McCallum was seven thousand nine hundred and thirty-one dollars and thirty-four cents (\$7,931.34.)

After the accident happened, the "Louise" was held by the Government until a bond was given by the owner for the sum of three thousand dollars. Upon receipt of the bond, the "Louise" was allowed to depart. In the month of March, 1877, the bond was given up on the payment of the sum of six hundred dollars.

Mr. McCallum says that when he ascertained the cost of the repairs to the "M. C. Upper," he instructed Mr. Currie, of St. Catharines, to make a claim against the Government for the amount as well as for the amount of losses otherwise sustained, while the vessel was laid up for repairs. It seems, however, that the claim was not forwarded until the 16th of January, 1878, ten months after the bond had been given up.

The claim of Mr. McCallum was referred to Mr. Bodwell, and on the 18th of July, 1878, he reported adversely to the claim on the following grounds:—

"*First.*—That the damage sustained by the 'M. C. Upper' was occasioned by "no defect in the Government works, nor by any neglect of duty on the part of the "officials in charge of the Canal.

"*Secondly.*—That the "M. C. Upper" lay moored within 110 feet of the lock, "whereas, by Section 19 of the Canal Regulations, she should have been moored 300 "feet above the lock; and that had the vessel been so moored, the chances are that "if she had parted her lines—loaded as she was—the rapidity with which the water "lowered would have caused her to rest on the bottom of the Canal before she "reached the breast wall, and no damage would have been sustained.

"*Thirdly.*—That it was stated by the lock-tenders that the 'M. C. Upper's' lines, "with which she was snubbed at the time, were not taut, giving the vessel room to "get under headway before the strain on the lines commenced; and that it was "their belief that if the lines had been taut, they would not have parted."

As to the first grounds taken by Mr. Bodwell, we respectfully refer you to the evidence itself, and to that particularly of Bernard Clarke, with respect to the condition of the gates. With regard to there being no neglect of duty on the part of the officials, we are not in a position to form an entirely satisfactory opinion. In this connection, we call your attention to the evidences of McAvoy and Ferris as to the direct cause and one contradictory of the other. It is unfortunate that the only person who could corroborate either McAvoy or Ferris is the lock-tender, McTaggart, who was in charge of the lock at the time of the accident, and who has died since it occurred, and some time before the investigation was held.

Coming now to the second and third grounds taken by Mr. Bodwell, it will be found that they are not borne out by the evidence. All the witnesses testify that the "M. C. Upper" was in her proper place, and where vessels are regularly moored, and there is no evidence to show that her lines were not taut. Mr. Bodwell himself, in his testimony, was obliged to admit "that the evidence taken at the investigation "indicated to him that the 'M. C. Upper' was farther from the lock than his officers

"reported her to be." Further, there is no evidence to show that the men in charge of the "M. C. Upper" were in any way contributory to the damage she sustained.

Mr. McCallum's contentions in support of his claim are:—That the Welland Canal, being constructed and maintained for the use of the public, the Government is bound to maintain and manage the same, so that it may not become a source of danger to those using it. That had the Canal been in a proper state of repair, the "M. C. Upper" would not have been injured and delayed in her passage through it. That there was negligence on the part of those in charge of the Canal, in permitting the gates of Lock No. 21 to remain in an insufficient state of repair, and that had they been in good condition, it would have been impossible for the "Louise" to have unmitred them by the force with which she went against them.

Mr. McCallum, moreover, contends that by the Government reducing Battle's bond and by the giving of it up on the payment of the small sum of \$600, they virtually admitted the unsound condition of the gates of Lock No. 21.

Mr. McCarthy, the counsel for the Government, contended and based his defence mainly on the fact, that the officers of the "M. C. Upper" violated rule 19 of the Canal Regulations, by mooring her at a distance less than 300 feet from the lock. But it was proved that this rule could not be enforced; in fact it had become obsolete, owing to the impossibility of the carrying of it out.

There is no doubt whatever upon the minds of the arbitrators but that Mr. McCallum has sustained the loss of nearly eight thousand dollars by the damage caused to the "M. C. Upper." But whether or not the Government is liable is not for us to give an opinion, that being a matter coming solely within the province of the legal advisers of the Crown. We have, however, thought it advisable to group together in this Report, those portions of the evidence bearing upon the cause of the accident, and of the condition of the gates prior to its occurrence, in order to save the time and trouble of your going over all the evidence taken at the investigation—a great part of which evidence relates to the position of the "M. C. Upper" at the time of the parting of her lines.

John McAvoy, mate of the "M. C. Upper," says: In my opinion the cause of the accident was as follows:—The "Louise" was lying at the foot of Lock No. 21, going up. They could not pull her with teams on account of the wind and because she was on the bank. They wasted water by raising the valves of the lock to try to float her off. I don't know whether the lock tender was there or not. I saw two men, one I know was not the lock tender, because there was only one lock tender in charge. I don't know who the other was. By wasting water they floated her off. The effect of the valves above being open caused an eddy or current to sheer the vessel ahead. When they got the vessel started they should have shut down the valves. From twenty years' experience, it is my opinion that if they had shut down the valves when they ought to have done so, the accident would not have occurred. When the gates were carried away, the water, rushing through, drew the "M. C. Upper" into the lock, carrying away our lines, until she jammed in the lock, resting on the breakwall, and broke her back. The crew in charge of the "M. C. Upper" could not by any precaution have prevented the damage.

Wm. McCleary, of Thorold, a lumber merchant, says he remembered the accident. From his mill he could see all the vessels entering Lock No. 21. He was a stone's throw from the lock when the accident occurred. He was below the mill, and saw the "Louise" entering the lock with, as it seemed to him, too much headway. He immediately ran up to the level, and by the time he got there he found the gate was broken. Thinks the "Louise" was out of the lock at the time. The "M. C. Upper" was drifting down towards the lock at a pretty rapid rate. Could not say what was the position of the water at the time as he was watching the vessel.

John D. Smith, formerly a division superintendent on the canal, says he remembers the break in the Welland Canal in 1874. He noticed the condition of the gate's lock. Noticed one gate which was jammed between the "M. C. Upper" and the lock, and noticed portion of the gate decayed and rotten. He saw that a portion of another gate on the heel path side was decayed, and he could pull rotten timber out

of the heel posts with his hands. Formerly the practice was to let the gates go until knocked out, and some vessel pay for them. Within the last two or three years they take them out and replace them with new ones. Has known gates to be in such a decayed condition as to fall out of their own accord. In the summer of 1878, navigation was stopped, and the reason given was that the head gates at Lock No. 12, had fallen out. In answer to the question put to him: "If a vessel coming up should strike the gate with sufficient force, would they not open as readily being sound, as though they were decayed?" he replied thus: "A vessel striking the gates with sufficient force would open them, whether sound or rotten." As far as he could recollect, it was that part of the heel post of gate of Lock No. 21, above the water that was decayed. When he was on the spot it appeared to him that one of the foot gates was turned round, and thinks the other gate of this pair was at the bottom of the canal. Of the upper gates, one he thinks was at the bottom of the canal, and the other was jammed in between the vessel and the lock. Thinks it was the two gates at the heel path side that were decayed. From the water line up they were decayed. Has known the upper gates of a lock to be forced open by a vessel striking them, and then close again without doing any damage. If the gates were rotten and a vessel was to strike them they would be liable to go out.

John Battle, of Thorold, vessel owner, says he has known the Welland Canal since 1842. He noticed the condition of the gates at the time the "Louise" struck them or broke through. Saw the balance beam and heel posts of two of them which were decayed. This is where the collar or anchor comes around the heel post, and it is a very important part of the gate, from the strain coming upon it. He noticed the head gate of the heel path side, particularly decayed. He says that he contended before the Hon. Alex. Mackenzie that the gates were rotten; that Mr. Mackenzie reduced the amount of the bond to \$500, and he made this reduction on his representation that two or three of the gates carried away by the schooner "Louise" in 1874, were in a decayed state. He saw the four gates after the accident, and examined them. Two were standing up reversed; these were the upper gates. Thinks they were held up by being jammed by the "M. C. Upper." There is a possibility they would have been reversed by the action of the water before the "M. C. Upper" got to the lock; and they might have been held up by the chain or anchor until the "M. C. Upper" got there. Either the anchor or collar held the lower gates from falling while reversed. The gates could be very much decayed and still stand up. He had seen several broken gates that were decayed stand up. He was at the gates a day or two while they were being taken out and repaired, and discovered that the heel post of the lower gate was shattered by reversing and considerably decayed. In answer to the question "Is it not at all likely that the gates spoken of would have remained useful for years, had it not been for the collision?" he replies "Think one of the foot gates should have been removed before." With this exception the gates might serve the purpose for some time. He saw a portion of the lock-gates floating on the water near the edge of the bank in the level between twenty and twenty-one, that was rotten as punk and dozey; this was the day after the accident occurred, and his attention was called by a lock-tender.

Matthew Battle, the owner of the "Louise," says he was not present when the accident occurred, but believes that the break took place when the "Louise" was in Lock No. 21. He was there shortly after and examined the gates; they were not sound, the greater portion of them were rotten and decayed. John B. Smith, Mr. Bodwell and others were present when he was examining the gates. From his examination he thinks that for the safety of navigation of the canal the gates should have been taken out before, and it is his opinion that the accident would not have occurred had the gates been sound. From the general appearance of the gates it would not take much force of the vessel to break them. When he gave the bond he always contended that the gates were rotten and nearly worthless. On cross-examination he says the day after the accident, when he made the general examination, he found that the heel posts and timber generally were decayed. There was a general decay of the heel post. He thinks from the collar upwards the heel post was more

decayed than the rest of it. The gates were in a general state of decomposition, so much so that in parts the rotten timber could be picked out with "your" hands. There were essential parts of the gates in this condition—the heel posts, the balance beams, and girths or parts of them rotten. No doubt the gates would open easier if decayed. On the second day after the break, when he went up, he noticed rotten timber floating in the water on level between locks Nos. 20 and 21. This rotten timber came out of the broken gates.

Lauchlan McCallum, the claimant, says that he discovered that the gates were decayed and rotten—the heel posts—where the collar comes round the most important part of the gates. Both gates were bad; but the one on the heel post side was the worst. The heel post was broken below the collar—he saw girths and balance beam rotten. Thinks the gates would not have lasted a number of years if not run against by a vessel—that they were not fit for ordinary use—that they might stand the pressure of water if not used.

On behalf of the defence, James Ferris was called to give testimony as to the cause of the accident; James Dell, John McAuley, Patrick McNamara, Bernard Clarke and E. V. Bodwell, as to the condition of the gates.

James Ferris, says: He is a carpenter and his special duties are to assist in forwarding navigation and to supervise repairs of the gates of the locks. Was employed on the canal about sixteen years. The gates were put in Lock No. 21 about eight years previous to 1874. They were never used before they were put in. As far as I know they were in good condition when put in. One lower gate was replaced in 1872 or 1873. He saw the gates carried away by the "Louise." He was standing on the lock, and the captain of the "Louise" and the locktender were with him. He was standing there from the time the "Louise" left Lock No. 20. Could not say how long before the "Louise" came to Lock No. 21, only that the lock was ready to receive her. There was no cause for the "Louise" stopping before entering Lock No. 21. Thinks the valves of the head gates of Lock No 21 were not raised before she entered the lock. Is positive that the valves were not raised while he was standing on the lock. The "Louise," by missing her snub, caused her to run against the gates, and the stroke of the vessel had the effect of breaking the mitre of the gates, and drove one gate out past the other. He saw this done. The effect on the gates of the breaking of the mitre was that the weight of the water did carry the gates away. Thinks that the result would have been the same had the gates been new and been placed in the day before. After the accident the water forced the "Louise" on to the wing wall or bank on the tow-path side; and she was sent so far back from the lock that her bow might be thirty-five or forty feet from the mitre sill of the lower gates. The effect after the mitre was broken was to reverse the upper gates, and they were so reversed before the "M. C. Upper" got into the lock. The reversing caused the gates to be broken and no more fit for use; he did not examine the gates after the accident; he assisted in taking the gates out of the lock. Cannot say that he made any discovery at the time of any portion of the gates being rotten. The reversing split only one of the heel-posts to his knowledge where it was connected with the collar. His impression is that this was done before the "M. C. Upper" struck the gates. He never discovered any reason why the gates, in all probability, would not have lasted for some some years but for the striking of them by the "Louise." To his knowledge there was no carelessness on behalf of the officials to contribute to the accident. On being cross-examined, Ferris says that he thinks the gates were put in the lock in 1866 or 1867; and he considered that the gates were new when taken out of the water, but could give no idea when the gates were built. The effect of putting gates in the water makes them less valuable as a matter of wear, it does not make them better. He did not make a close examination of the gates before they were placed in the lock in 1866 or 1867. The reason why one of the gates was taken out of Lock No. 21 in 1872 or 1873 was on account of a deficiency in the working of it—something connected with the valve; a new gate was put in its stead. At the time of the break he was not performing any manual labor, he was on his way up the canal; he remained there he thinks about twenty minutes previous to the break.



He is sure the lock-tender was there. If a vessel was two thirds in the lock coming up with the the valves of the upper gate open and the lower gates open, the effect would be to drive the vessel back. The "Louise" did not by the first blow carry the gates away altogether; the way she came to give the gates a second blow, she struck the gates and partly unmitred them and then she bounded back again with a second blow. To the best of his opinion she bounded back twenty feet; between the first and second blow it took about ten minutes; during these ten minutes he did nothing but look upon the scene. Ferris corrects himself as to the time the gates were put in the lock; it was in 1863. Thinks their being carried away by the propellor "Akron" fixes the fact in his mind; the gates were in about eleven years prior to the time of the break. When the "Louise" came against the gates twice, and unmitred them by the first blow, the reason why he did not close the lower gates during the ten minutes elapsing between the two blows was because "that was the duty of the lock-tender." In his opinion the gates in Lock No. 21 were in good working order previous to the break. Did not take any means to ascertain whether the gates were in good condition or not, except only to work on them; gates might possibly be defective without his knowing it. Took no means of ascertaining, although aware that boring with a small auger could tell if the timber was sound inside without injuring the work. This witness says that in 1878 navigation was stopped by gates of Lock No. 12 being carried away without any vessel striking them.

James Dell, acting Division Overseer, Welland Canal, says: Has been employed on the canal since 1850; was foreman of gate-yard until within three years; is a carpenter, and has had much experience in building and replacing gates; that was the principal part of his work; knows when the gates in Lock No. 21 were carried away in 1874; he reached the lock about an hour after the accident, and assisted in taking out the broken gates. He was overseer of the job in cutting off the gates. He made an examination of them when being moved to the yard; he noticed how the upper gates were broken; the toe-post and heel-post were broken; both upper and lower gates were all broken in two, and held together by the irons; they were broken between the second and fourth girths, and one of the heel-posts was broken off short at the collar—twisted off or slivered about two feet from the top; this heel-post was a little affected, but sound at heart; it was affected about two or three inches deep from the outside; it was kind of dead like and spongy, pretty much all the way around the post, from the collar up; this would materially weaken the gate above the water; the collar is right at the water's edge or surface; there is stress or strain upon the heel post above the collar on a vessel entering the lock, or in settling down in the lock; if the gates had not been struck thinks they would have lasted; does not think that the gates were broken by reason of their own defects. The late Robert Collier was superintendent at the time of the break, and witness was in no way responsible, he thinks, for any defect that might exist in the gates of the lock. On being cross-examined, this witness says there is a constant strain on the gates in the ordinary locking of vessels—that every vessel coming into the lock strikes the gates more or less—they could not come in without doing so; gates have to be built very strong to stand the wear and tear, and be safe; the size of the heel post is 16 inches; if a 16 inch heel post was rotten all around for two or three inches on the outside it would weaken it to the extent of two-thirds; it is important that every part of the gate should be in good condition for the safety of navigation; the principal cause of the gates taken out of Lock No. 21 in 1873 was on account of something being wrong with the valve; and it was somewhat defective otherwise; did not consider fit for anything after being taken out except for the old iron; this gate was not worth a great deal when in the lock, but could work the lock with it; it was taken out for the safety and despatch of navigation; if the lower gates were chained to the coping so as to keep them in the recess until a vessel was snubbed, thinks it would prevent their being carried away in the event of the upper gates being carried away; he understands there is an invention of this kind, but has not seen it; if this arrangement had been in use at the time of the break there would not have been more than one pair of gates carried away; the expense of such

an arrangement to each gate would be \$5; a gate in use for ten years would be worth nothing, but the old iron gates last from ten to fifteen years, some not so long. The gate first taken out of Lock No. 12 in 1878 was only a little rotten above water; the second gate was perfectly sound where it was broken; these gates could have been broken if properly mitred; considers these gates were fit for navigation if properly handled; the foot gates put in at the same time are there yet; no record has been kept of age of gates prior to 1873, and of his own knowledge could not tell the age of any gates on the canal previous to that year; the gates in Lock No. 12 broke without, to his knowledge, being struck by a vessel. Examined the gates in spring of 1874, and reported them all right. Mr. Collier told him that it would not pay to put a new valve in the gate taken out of Lock No. 21 in 1873, and put it in again, as it had been in use seven or eight years; the reason why he did not put back a gate seven or eight years old was because it was Mr. Collier's order. Mr. Collier was a good judge whether the gate was fit to go back in the lock again for use.

John McAuly, locktender on Lock No. 21, since 1856 or 1857, says: Three of the gates that were carried away by the schooner "Louise" were the same gates that were carried away by the propeller "Akron"; the fourth had been put in a year or two prior to 1874; he had been working them up to the time of the breaking of them by the schooner "Louise"; the gates carried away by the "Louise" leaked considerably before they got the new lower gate; the new gate partly stopped the leak, but not all; there was some defect in the upper gates of Lock No. 21, not much of any account, but they were worn; thinks they would have lasted some years, had they not been injured by the "Louise," or struck by some vessel, or got improper usage; was not on the lock at the time of the accident to the gates by the "Louise"; was there about half an hour so after; did not see the gates after they were taken away; could not tell whether they were sound or rotten; to the best of his knowledge the heel-post of one of the gates was broken or split, short across about half way in; the rest was laid open or parted a short way down; he was pleased to get the new gates for those carried away by the "Louise"; the old gates worked hard from the time they were broken by the "Akron." In reply to the question: "did you have a great deal of trouble during the ten years that the head gates were in Lock No. 21, up to the time of the second break in July, 1874?" he says it was hard on account of the leakage of lower gates, which would not mitre close at the bottom.

Patrick McNamara, locktender at Thorold, says: He was at lock 21, a few hours after the "Louise" broke the gates; took no particular notice of them; noticed the balance beams were knocked off; he testified that at Lock No. 22, gates that were put in 1874, the middle of them fell out in 1877, and new gates had to be substituted; there was no reason for the gates giving way, except by pressure of water; the middle fell out of its own accord.

Bernard Clarke, of Merriton, locktender, says: Has been locktender and working in yard for 23 years; remembers the break in the gates in July, 1874; was there soon after, and helped to take the gates out; he found them in a half-worn state; in his opinion three of them would have stood for some years with ordinary care, but the fourth was pretty much worn; the one spoken of was an upper gate; did not particularly notice what portion of that gate was broken, but gates generally break in the girths above the valves, or bottom girths; the toe post of the one alluded to was much worn, and it might have worked for some time with fair usage; the toe post being much more worn, makes the gate much easier to unmitre; he assisted in repairing the gates of Lock No. 21, in the spring of 1874; the toe post and the gates generally were in a bad condition when he helped to repair them; had to put on repair bands to hold the gate together; in his opinion the gate spoken of should have been taken out for the safety of navigation; if the canal had been his own he would have it taken out; if one gate is bad in a lock it has the effect of carrying away the others, especially if the foot gates are open; would not consider it good management to allow one bad gate to remain in a lock while the others were good; the toe post was worn all the way up from the girth above the valve; the wear of the toe post is caused by the vessel riding up the gates while the lock is filling.

E. V. Bodwell, the then Superintendent of the Welland Canal says: Was at Lock No. 21 about an hour after the accident. After describing the condition of things, much in accordance with other witnesses; says he did not notice one of the toe posts of one of the gates being much worn, and thinks it was not visible being in the water. He never heard of, nor were any defects ever reported to him by his overseers or other officers previous to the break of 1874. When he first went to the lock he saw Matthew Battle, and next day John Battle and Mr. McCallum. Between July, 1874, and the time he sent in his report in October following, he frequently saw Matthew and John Battle on the subject of the break and heard their views. Was at the lock most of the time directing operations in taking out the gates. Saw some decay in the heel post of the head gate on the heel post side, and in the balance beams or fillings. The decay was mainly above the collar, and the heel post was split or broken. As far as the decay in the balance beams and fillings are concerned it was in both gates. If the gates were mitred the posts would not have likely given way with the pressure of the water; but if the gates were not mitred they would give way under any circumstances. Did not personally inspect the upper gates after they were taken out of the lock, but relied on the report of his officers. In making his report of the 16th October, 1874 (Exhibit R.) he made it on the best information obtainable from late Mr. Collier, Overseer of Division No. 1, and Mr. Dell, the foreman of the gate yard, together with his own observations at the time of the break. Not having been Superintendent of the Canal previous to its opening in 1874, and therefore, not having seen the gates when the canal was unwatered, the allowance of \$900 was based upon the estimated value of the gates at \$2,000 for new ones, and the estimated value of the old gates at \$1,100, which were reported to him to have been in the lock eight years. Taking into consideration also the interest on the money which the new gates would cost during the time the old gates were considered good, for he then believed he was making a fair and equitable allowance, if anything favorable to the owner of the "Louise," knows nothing of the reasons why the amount of the bond was reduced to \$500. He does not know what the previous custom was of allowing officials to let old gates remain in until they fell out by decay; but since he had been superintendent he had put in twelve gates in 1874 in place of old ones; fifteen in the year 1875; eleven in 1876; six in 1877; ten in 1878. At the time he enquired of the late Mr. Collier, and of Mr. Dell of the age of the gates, he was informed by them that they had been in for eight years. Recently looking through the letter book of the canal office for 1864, he found a letter from Mr. Woodruff stating that the gates in Lock No. 21 had been carried away in July of that year by the propeller "Akron," and from what he had been able to learn the gates that were put in at the time were, with one exception, the same as those carried away by the "Louise." Believes three of the gates would have been in use ten years, and not eight as stated in his report of October, 1874, that is to say the two upper gates and a lower one. Mr. Bodwell says that the evidence indicates to him that the "M. C. Upper" was farther from the lock at the time of the break than his officers reported her to be, and that the gates had been two years longer in use. He farther says that if the toe post was in such condition, and as much worn as Bernard Clark in his evidence represents it, it should certainly have been reported to him by the Division Overseer, and his omission to do so would be a serious neglect of duty. He says that it is necessary to have the gates strong in all their parts, and to see that a sufficient strength is kept up in all their parts subjected to the pressure of the water. Some of the gates had given way although they had been in the lock but for a short time only, as in the case of the gates of Lock No. 22. He had removed nearly half of the old gates, and replaced them by new ones—that he found it necessary for the safety of navigation to remove the old gates.

In coming to the conclusion that the damage to the "M. C. Upper" was directly caused by the mismanagement of those on board the schooner "Louise," and not by the general defective condition of the gates of Lock No. 21, on the Welland Canal; still, considering the very strong condictory evidence—the fact that the Government virtually admitted the unsound condition of the gates by reducing the amount of Battle's bond in settlement with them—the fact that there is no corroborative

evidence in support of either McAvoy's or Ferris' different statements as to the cause of the accident in consequence of the death of McTaggart, the lock-tender, the only other party present; the fact that the "M. C. Upper" was moored in the proper place, and the absence of any proof that her lines were not taut; the fact that Mr. McCallum had paid his canal dues, and that there was no negligence, contributory or otherwise, on his part, or on the part of those acting for or under him at the time of the accident, we have also come to the conclusion that there are substantial and fair grounds for the favorable consideration of the claim. All which is respectfully submitted.

WM. COMPTON,  
ISAAC BUCHANAN,  
J. SIMARD.

MONTREAL, 14th July, 1881.

(True Copy).

CHAS. THIBAUT, Secretary to the Official Arbitrators.

OTTAWA, October 10th, 1881.

*Re Claim L. McCallum.*

SIR,—As requested in your communication of the 29th September, I have considered this case with reference to the liability of the Crown for the claim. In my opinion the Crown is not liable. Treating the case as one between subject and subject, and giving to the claimant the same rights against the Crown that he would have were his claim against a subject, it is clear that unless the accident was caused by the defective state of the lock gates, or by the negligence of the officers of the canal, there would be no liability to indemnify Mr. McCallum for the losses sustained. The finding of the official arbitrators seems to be unanimous that the accident was caused by the negligence of those in charge of the schooner "Louise," and not by the defective condition of the gates. The Crown cannot be made answerable for the mismanagement of the "Louise." Papers returned.

Z. A. LASH, D. M. J.

T. F. BRAUN, Esq., Secretary, Railways and Canals Department.

I concur in this opinion.

(Signed)

ALEX. CAMPBELL,  
Minister of Justice.

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## RETURN

(183)

To an ORDER of the HOUSE OF COMMONS, dated 24th April, 1882:—For Copies of any Correspondence which has passed between the Department of Marine and Fisheries, and persons in Montreal in relation to the Taxation and Expenditure under the Port Warden Acts, and for Copies of all Documents sent by the same persons to the Department relating to the same matter.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
15th May, 1882.*Secretary of State.*

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## RETURN

(184)

To an ORDER of the HOUSE OF COMMONS, dated 1st May, 1882:—For Copies of the last Regulations of the Montreal Harbor Commissioners, and of the Petition of the Boatmen of St. Francis, St. Thomas and St. Michel de Yamaska, complaining of the provisions of the said Regulations.

By Command,

J. A. MOUSSEAU,

Department of the Secretary of State,  
17th May, 1882.*Secretary of State.*