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Sessional papers Nos. 46, 48-49, 52-53, 55-56, 58, 60, 65, 67-68, 70, 72, 76, 78-79, 82, 84-85, 91-105 not printed.

Part of Sessional paper No. 50 not printed.

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Sessional paper No. 50, pages 113 and 130 are incorrectly numbered pages 11 and 30.

In No. 73 page 13 is incorrectly numbered page 1.

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VOLUME 9.

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FIRST SESSION OF THE FIRST PARLIAMENT

OF THE

# DOMINION OF CANADA.

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SESSION 1867-8.

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- No. 17... SECRET SERVICE FUND :—Statement of amount unexpended of the sum granted last session. [*Not printed.*]
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- No. 26... PUBLIC OFFICERS:—Return of salaried officers receiving additional remuneration for extra services, and of such as are absent on leave, or giving only a partial attendance. [*Not printed.*]  
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No. 51... MURRAY CANAL :—Returns of Surveys and Reports relative to the proposed Canal across the Isthmus of Murray.

No. 52... RYLAND, G. H. :—For copy of any correspondence between the Imperial and Provincial Governments, since 1st January, 1859, relative to his claims,—and proceedings of the Governor in Council thereon, and of any letters from M. Ryland on the subject. [*Not printed.*]

No. 53... CUSTOM HOUSE OFFICERS :—Return of Inland Custom House Officers, with their collections, salaries, &c., and Statement respecting Collectors of Customs, and their collections and Harbour Tolls. [*Not printed.*]

No. 54... LACHINE AND ST. LAWRENCE CANALS :—Statement of Water Power leased on the Lachine and St. Lawrence Canals.

No. 55... POSTMASTERS :—Copies of correspondence and documents relating to the appointment and dismissal of Mr. Scoon as Postmaster of Strathroy. [*Not printed.*]

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POSTMASTERS :—Copies of the charges preferred against Mr. Harrison, Postmaster of Oil Springs, the answer thereto, and the Report of the Inspector. [*Not printed.*]

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- No. 56... **MAGDALEN ISLANDS** :—Statement of the sittings of the Court at Amherst; and correspondence, during the last three years, in reference to the absence of Judges of the various Courts in the Province of Quebec. [*Not printed.*]
- No. 57... **RONDEAU HARBOR** :—Orders and correspondence connected with the transfer of the harbour to the Rondeau and St. Clair Plank Road Co., and the resumption thereof by the Government, and a Statement of the amount agreed upon and amount paid by the Company.
- No. 58... **ELECTIONS** :—Statement shewing the warrants, &c., connected with the issue of the writs for Huntingdon, Montmorency, and Restigouche. [*Not printed.*]
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- No. 67... **HARBOURS** :—Return of surveys and reports in relation to Harbours at the East Coast of Lake Huron. [*Not printed.*]
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- No. 69... **MUNICIPAL LOAN FUND** :—Statement of payments to the credit of the Fund out of the Consolidated Revenue Fund, under the provisions of the Seigniorial Act, or advances for other purposes,—the sums borrowed from the Fund by various Municipalities in Ontario, and a statement of those in arrear.
- No. 70... **CARILLO and GRENVILLE CANAL** :—Copies of plans, tenders and contracts since 1st July, 1866, and a statement of amount paid for work thereon. [*Not printed.*]
- No. 71... **FENIAN PROSECUTION AND HALLIDAY CASE** :—Return of costs paid on the Fenian prosecutions, and also on the trial of the "Halliday" case, for the violation of Excise Laws.
- No. 72... **BRANTFORD** :—Accounts rendered by certain parties at Brantford, on the occasion of the Prince of Wales' Visit; and correspondence in relation thereto. [*Not printed.*]
- No. 73... **STEAMBOATS AND SAILING VESSELS** :—Return of all steam or sailing vessels owned in the Dominion of Canada, on 1st July, 1867.  
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- No. 76... DIGBY :—Return of fines and seizures in that County since 1st July, 1867, for breaches of the Revenue Laws ; and amount received and remitted thereon, together with correspondence relative to the seizure of the *Union*. [*Not printed.*]
- No. 77... DOMINION STOCK :—Statement of Dominion Stock and other securities issued since 1st July, 1867, shewing the tenders made and the charges incurred.
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- No. 79... MAROU HARBOUR :—Correspondence with the authorities of Nova Scotia, in 1867, in reference to the improvement of that harbour. [*Not printed.*]
- No. 80... JUDICIARY :—Statement of the total expenses of the Judiciary of the Dominion of Canada, so far as the same are chargeable on the Consolidated Revenue Fund, for the quarter commencing on 1st July, 1867, and the proportion chargeable to the several Provinces, &c.
- No. 81... LAKE SUPERIOR AND RED RIVER :—Reports received since 1st July, 1867, from the Surveyor employed to open a communication between Lake Superior and the Red River.
- No. 82... ST. PETER'S CANAL :—Reports, Surveys and other Documents in the possession of the Government relating to St. Peter's Canal (Cape Ereton). [*Not printed.*]
- No. 83... LAKE ST. PETER :—Reports made by John Page, Engineer of Public Works Department, on the deepening of Lake St. Peter, in virtue of an Order in Council, made about 1st July, 1862.  
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- No. 84... GAZETTE DE SOREL :—Statement of accounts rendered to the Government by the proprietors thereof, and amount paid to them from 1862. [*Not printed.*]
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- No. 86... TARIFF, CUSTOMS, &c. :— Correspondence between the Local Governments of Nova Scotia or New Brunswick, &c., with the Government of Canada, &c., complaining of losses or grievances, consequent on the operation of Acts passed by Parliament of Canada, relative to Customs, Tariff, Excise and Banking.
- No. 87... CONFEDERATION DELEGATES :—Statement of amounts paid to the Delegates sent to England by the different Provinces, in 1866, to promote the passage of the Act of Confederation.
- No. 88... PUBLIC PROPERTY OF THE DOMINION :—Statement of the Public Works and Property of the Dominion of Canada, derived by virtue of the Act of Union ; also, Public Debt and Liabilities of the Dominion, and amount of securities deducted from the amount of the respective debts of the Provinces.
- No. 89... NEW BRUNSWICK :—Statement of moneys in the hands of the late Provincial Treasurer of New Brunswick and of the late Deputy Treasurer thereof, on the first day of July last, with a statement of the amount received by them since that date.
- No. 90... ADVERTISING AND STATIONERY :—Return of all sums paid by Government and Parliament for printing, advertising, stationery and pens, during the years 1865, 1866 and 1867, the name of the Department or person ordering the same, and to whom paid ; and also for advertising and subscription to the *Canada Gazette*.
- No. 91... ALGOMA :—Copies of circulars or letters addressed, in the month of June last, by the late Honorable Commissioner of Crown Lands for the Province of Canada, to the Electors of Algoma, &c., &c.—[*Not printed.*]

- No. 92... BOUNDARY LINE, UPPER AND LOWER CANADA :—Statement of the sums paid by Government for lots of land, or parts of lots of land, in effecting the final settlement of the boundary line between the late Provinces of Upper and Lower Canada; the quantity, &c., &c., &c. [*Not printed.*]
- No. 93... HUDSON'S BAY COMPANY MAPS.—Copies of the two several maps furnished to the Government of the late Province of Canada, by the Hudson's Bay Company, in the year 1864, and shewing respectively the territory then claimed by that Company, &c., &c., &c. [*Not printed.*]
- No. 94... HALIFAX :—Copies of all correspondence had between the Postmaster General of Canada, and any companies or persons with reference to the Steamers of the Canadian Ocean Mail Line, or of any other line calling at the Port of Halifax. [*Not printed.*]
- No. 95... MARRIAGE LAWS :—Copies of all correspondence held with any of the Local Governments of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, concerning the present state of the Marriage Laws, &c., &c., &c. [*Not printed.*]
- No. 96... CIRCUIT COURT CLERKS :—Statement of all moneys received by all Clerks of the Circuit Courts in all the Counties of the Province of Quebec, other than the Chef-Lieux of Districts. [*Not printed.*]
- No. 97... PENSIONS :—Return of all amounts paid by the Government of the late Provinces of Canada, Nova Scotia and New Brunswick, viz: Pensions under the Statute; pensions under Estimates; pensions on the Civil List; military pensions and all other pensions; if such there be, for the year ending 30th June, 1867; stating respectively in detail the charges on each Province of such pensions. [*Not printed.*]
- No. 98... MILITARY STORES :—Return of all arms, accoutrements, clothing and military stores of all descriptions purchased by the Government of the late Province of Canada, from 1862 to 1st July 1867; and by the Government of the Dominion of Canada since the 1st July last; shewing the date of purchase, &c. [*Not printed.*]
- No. 99... PROVINCIAL ARBITRATORS :—Statement shewing the number of claims submitted for the decision of the Provincial Arbitrators of the former Province of Canada, consequent upon the expropriation of land required for military defence in the County of Lévis from the 15th August, 1866, to the 10th March last; the names of the claimants; &c. [*Not printed.*]
- No. 100... SUGAR DUTIES :—Copies of all correspondence that has taken place between the Government and Chambers of Commerce, Boards of Trade and Refiners, on the subject of the sugar duties. [*Not printed.*]
- No. 101... PILOTS :—Copies of all correspondence since 1st July last, respecting complaints against the corporation of pilots, for and below the Harbour of Quebec, and also of the report of the Trinity House of Quebec, with the evidence taken before them on the subject of such complaints, &c. [*Not printed.*]
- No. 102... DREDGING :—Returns of all money expended, how, when and where, under the appropriation made by the Parliament of Canada, in 1861, of the sum of \$30,000 for dredging operations and new dredges, &c. [*Not printed.*]
- No. 203... BLACK RIVER :—Statement shewing the amount paid by the Government of the old Province of Canada, and by the Government of the Dominion, if any, since the 1st July, 1866, for works connected with the descent of timber on Black River, in the County of Pontiac, in the Province of Quebec, &c. [*Not printed.*]
- No. 104... TRINITY HOUSE, QUEBEC :—Copy of the answer made to the Report of the Trinity House of Quebec, which was asked by an Address of this House, on the 6th instant, and of the documents accompanying said answer. [*Not printed.*]
- No. 105... CANSO, STRAIT OF :—Return of all Petitions and Correspondence, from any parties in the Province of Nova Scotia, including the Report of A. Woodgate, Esq., late Postmaster General, to the Government of the Dominion of Canada, relative to the carrying of Her Majesty's Mails across the Strait of Canso, in that Province. [*Not printed.*]

# R E T U R N

[IN PART.]

To an Address of the House of Commons, dated 4th May, 1868, relative to the state of the Fisheries of the River St. Lawrence, from Rimouski, to head of tide on the South Shore; and from Betsiamis, including River Saguenay, to head of tide on the North Shore; with the Reports of the Agents of the Department of Fisheries, during the last five years.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE, .

Ottawa, 14th May, 1868.

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*[In accordance with the recommendation of the Joint Committee on Printing, the Tables attached to this Report are not printed.]*

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## REPORT OF ALFRED BLAIS, FISHERY OVERSEER.

FROM 1ST JANUARY, TO 30TH JUNE, 1867.

To the Honorable the  
Commissioner of Crown Lands.

SIR,—I have the honor to submit the following Report :—

According to instructions received from the Department, dated the 8th April, 1867, relative to the Fisheries of the Island of Orleans, I left St. Thomas to proceed thither on the 15th April last.

15th April.—Left St. Thomas and passed the night at Quebec.

16th April.—The rain having ceased in the afternoon, I left Quebec, proceeding to the Island of Orleans on foot, in consequence of the bad state of the roads. I passed the night at St. Pierre de l'Île.

17th April.—I continued my journey, visiting those proprietors who are in the habit of setting up Fisheries, giving them all possible information. I also visited the owners of seines, taking care to make them acknowledge in conversation that their seines had been used in contravention of the law. These acknowledgments were the only means of bringing them to destroy their seines without prosecution. I found this method to succeed everywhere.

The following are the names of the owners of fisheries whom I succeeded in seeing, and also the names of the owners of seines which were by them destroyed in my presence :—

## Sr. PIERRE DE L'ILE.

	Warren Fisheries.	Seines and nets.	Dimensions.
J. B. Rousseau .....		1	1 inch.
Phidime Pichette .....		1	1 do
Napoléon Paradis.....		1	1 do
Jos. Turcot.....		1	1 do
Ls. Rousseau .....		1	1 do
Eng. Naulin .....		1	1 do
Félix Goulet .....		1	1 do
Ls. Lachance* .....		1	1 do

\* This latter is a new one just begun; the owner promised to proceed no further with it.

## STE. FAMILLE.

	Warren Fisheries.	Seines destroyed.	Size of mesh in the square.
Cyrille Pruneau.....			
Stanislas Paquet.....	1		
Gabriel Paquet .....	1		
J. B. Giguère.....	1		
Jos. Asselin.....	1		
Jean Audet dit Lapointe.....	1		
X. Gagnon .....	1		
Marc Turcot.....	1	1	1 inch.
Jacques Poulin .....	1		
Pierre Gosselin .....	1		
Cyrille Pruneau.....	1		
Stanislas Paquet .....	1		
Gabriel Pichet.....	1		
J. B. Giguère.....	1		
Jos. Asselin .....	1		
Jean Audet dit Lapointe.....	1		
X. Gagnon.....	1		
Marc Turcot.....	1	1	1 inch.
Jacques Poulin .....	1		
Pierre Gosselin .....	1		
X. Giguère.....	1		
Jean Lamothe .....		1	1 inch.
Jean Rodier.....		1	1 do
Jacques Guay.....		1	1 do
Pierre Faucher.....	1		
Stanislas Asselin.....		1	1 inch.
Bazile Moreau.....		1	1 do
X. Asselin, Ferd. Asselin.....	2		
Pierre Asselin.....	1		
Régis Marquis.....		1	1 inch.
Eustache Morency.....	1		
Abraham Asselin .....	1		
X. Asselin .....		1	1 inch.
Frs. Marquis .....	1	1	1 do
Magloire Lavoie—(Seine not used last year.)			
Barthélemy Deblois .....	1		
Alexis Ferland.....	1		
Paul Deblois .....	1		
Jeannot Marquis.....	1		
Joseph Marquis .....	1		

ST. FRANCOIS.

	Warron Fisheries.	Seines destroyed.	Size of mesh.
Ls. Guirard .....	1		
Jos. Guirard.....	1		
Frs. Asselin.....	1		
Frs. Pin Amou .....		1	1 inch.
Jos. Lemelin .....	1		
Frs. Picard.....		1	1 inch.
Michel Haumont .....	1		
Jos. Major .....	1		
Pierre Laurent dit Lasonde .....	1		
X. Haumont .....	1		
Ls. Gagnon.....	1		
Jos Dompierre.....	1		
X. Vaillancourt .....	1		
Pierre Deblois .....	1		
Jos. Lemelin.....	1	1	1 inch.
Jos. Dubeau.....	1		

I visited the part of Argentenay—

Frs. Lemelin.....	1	Autumn Eel Fishery.
Ls. Dalaire.....	do	do
Ls. R. Gagné.....	do	do
X. Dion.....	do	do
Réné Lasalle (St. Francois South)	do	do
Léandre Lepage	do	do
Pierre Haumont	do	do
Magloire Ginchercau	do	do
Réné Picard	do	do
Jos. Labé	do	do
El. Campagna.....	do	do
Ls. L. Dion.....	do	do
Fabien Moreau.....	do	do
Henri-Dallaire.....	do	do

19th April.—I proceeded the same evening to St. Jean; thence I crossed to St. Michel, satisfied with the result of the week's proceedings.

20th April.—I measured a new seine commenced by Mr. Lacombe and others, which I found to be in accordance with the law.

At St. Michel.—The wire net fishery at St. Vallier, belonging to Messrs. Ruelland, being exceptional in the nature of its construction, and the warren differing greatly from others, I suggested to them a method of providing a substitute for the fishway, which will meet the requirements of the law much more effectually, and will be less costly.

Those practical fishermen perfectly understood how to do the work, and promised me that they would do it. I do not doubt their doing so, as they were greatly puzzled to devise means of sparing the young bar, without destroying the warren of their fishery, which is of boards, and is floored like a house. The following is the plan agreed upon, the construction to be made between the floor and the side of the warren inclosing the fish :—

I venture to hope, that this method will be productive of every possible advantage, as regards the protection of the young bar, without injuring the solidity of the fishery. The expense will be but slight, and the apparatus will last long without any repairs. The latter method might be adopted with advantage in the warren of every summer fishery. I

have had occasion to express to the Department my opinion as to the required size of the meshes or squares placed in the rear of each warren, and that before the regulation was carried into effect. I then thought that one inch in width by one inch in height was sufficient; experience has proved the contrary. The object of the law is to protect chiefly the young bar, by giving it an opportunity of escaping. The small bar, termed *bar de douzaine*, is from six to eight inches long; one six inches long is one and a half inch high by three quarters of an inch thick; one eight inches long is two inches high by one inch thick. How can they pass through an aperture one inch square? Only the very smallest are protected by the law.

Now that a very easy method is available, I venture to hope that the Department will be pleased to take these observations into consideration, and alter the dimensions of these ways, so that they may be in accordance with the enclosed plan. By this method the object of the law will be much more effectually attained, without greater trouble being entailed upon the fishermen. On the contrary, it will be much more easily put in practice and will be less injurious to the eel,—a fish which makes violent efforts to escape.

That the eel should not be able to bend it, there should be one inch between each bar; one row will suffice.

21st April.—Sunday at St. Michel.

22nd April.—I went on to St. Thomas.

26th April.—Engaged in the business of the Department. According to instructions received, I went up to Quebec to meet Commander Fortin.

27th April.—I met the Commander at his office, and also in the evening. Having received the required information, I took leave of him.

28th April.—Sunday at Quebec.

29th April.—From Quebec to St. Thomas.

30th April to 20th May.—At St. Thomas.

20th May.—Domicile Tétu, engaged as boatman at \$9 a month, began his time to-day.

In common with others we were detained at the Basin by bad weather.

30th May.—The wind being still in the north-east, I visited the fisheries of Saint Thomas.

31st May.—Visited the fisheries at Cap St. Ignace.

1st June.—At St. Thomas.

2nd June.—Sunday; Mr. Augustin Buteau, of the Parish of Berthier, having sent a carriage to fetch me for the purpose of causing a salmon net set at fifty yards distance from his fishery to be removed, I complied with his request, and proceeded to decide the affair. Having arrived at the spot, I caused to be brought before me the parties interested: A. Buteau, complainant, and Antoine Blais, defendant.

I found, in fact, about twenty fathoms of salmon net, of six inch mesh, fifty yards from A. Buteau's fishery. Observing that A. Buteau's fishery was set with nets, the meshes of which measured three or four inches, and that he was desirous of obtaining protection under a section of the law relating to the salmon fishery, I asked him in what respect his neighbour could be interfering with him he having a large meshed net? The reply was that he would take all the salmon which he, the said Buteau, set his nets to take, and if he had no hope of taking salmon he would not set his nets at all. In consequence, I seized the nets of the complainant (A. Buteau), as being set exclusively for the taking of salmon, and called upon him to assist me in taking them up. Having convinced him that it would be to his advantage to submit at once to the requirements of the law, he assisted me with his boat and his vehicle. I loaded my carter's vehicle with 102 fathoms of nets, almost as good as new. The nets having been bought on credit, and nothing having yet been taken with them, and the said Buteau declaring himself to be infirm and without means, and considering that the loss of his nets was more than sufficient loss for him under the circumstances, I condemned him for these reasons to forfeit and pay only a sum of 50 cents as a fine, and \$1 costs, besides the confiscation of his nets. The illegal fishery having been removed, I

sought out Antoine Blais, his neighbor; he not having decided to take out a license, I desired him to remove his nets, which he immediately did.

I conveyed Mr. Buteau's nets to St. Thomas in order to have them dried.

4th June.—Having hung up the nets in my building to dry, I left St. Thomas at 9 A. M., on a visit to my division. We passed that night at St. Jean Port Joli.

5th June.—Left St. Jean at five in the morning, the high wind compelling us to put in at St. Anne's Bay, I directed my attention to the fisheries and the survey of the locality.

From Cape Martin to River Ouelle only one half of the fisheries are set, in consequence of the lateness of the season. The inhabitants are engaged in sowing. Observing some fishery warrens which had been begun contrary to law, I was compelled to pass along the road in order to see the proprietors, thus doubling the distance; I did not return to the boat until the following morning.

6th June.—We left St. Anne at 6. A. M., rowing. I went to visit the fishery at Petite Anse, where I met Mr. George Levêque. His fishery is set with brush this year, except the outer warren which is of nets, the meshes of which are two inches square. After listening to my observations, he requested me to go with him to the Hon. Mr. Chapais'. The Honorable Minister having requested me to postpone the matter for a few days, as he was desirous of communicating with the Department and would take the whole responsibility, I left the same evening, and we arrived at Kamouraska at 6 o'clock.

7th June.—I proceeded to the south-west Bay of Kamouraska to meet the parties interested in the disputed fishery case between LeBel, Peltier, Landry, Langlais and others. After having heard them I settled the difficulty and fixed the limits; they went away satisfied. In the meantime my man visited the fisheries at Cap au Diable, which were in accordance with the law. I returned to Kamouraska.

8th June.—Wind contrary. I tried to go out to visit the island fisheries, but the high wind compelled me to return to the wharf.

9th June.—Sunday.

10th June.—The wind being still in the north-east, I visited the fisheries in the north east bay in a carriage. Finding Mr. J. B. Moreau's fishery unprovided with a net, I condemned him summarily to pay a fine of \$6. Not having the money about him, he requested me to meet him at Kamouraska.

11th June.—After having settled with J. B. Moreau, we left Kamouraska at 1 P. M., passing by the Pilgrims. Mr. Marquis having made me a signal, I landed to speak with him. He complained that the game laws did not sufficiently protect the eggs of wild fowl on our islands. Early in May there are wild fowl sitting on the rocks. The people from the south shore carry off the eggs from the Pilgrims in spite of Mr. Marquis, and great waste results. Mr. Marquis does not derive any benefit from the wild fowl, but takes a pleasure in seeing their haunts well covered with them.

12th June.—I continued my journey to River du Loup, where I arrived at 9½ P. M. I went to the Post Office and thence to the railway station, where the Indians had assembled for the purpose of buying a canoe. The men were absent.

13th June.—I returned to see the Indians, and having made an agreement with them, I left River du Loup at noon. I visited the fisheries as far as Great Cacouna and found them in accordance with the law. I reached Fontaine Claire at 10 P. M.

14th June.—We left Cacouna at 1 P. M., visiting the north-eastern fisheries of Great Cacouna, as well as the south shore of the island separated from Cacouna and the main land. I had the dissatisfaction of observing there several infractions of the law. The parties not being at their fisheries, I was unable to condemn them in a summary manner until I had caused them to be brought before me and ascertained correctly to whom the fishery belonged. Having heard them, I was convinced that they had been duped by a false report to the effect that escape nets were entirely abolished. They were surprised to see me again. But the law had to be respected. I arranged to meet them on the main land. I returned to my boat, which was in the channel between the island and the main land, to restore myself after an afternoon passed upon the shoals, but was yet more thoroughly wetted through by the rain, which continued to fall all night. I wished much to make a fire, but could not succeed, everything being too wet. At flood tide I put the boat under shelter of a fishery for the remainder of the night, which was by no means a pleasant one.

15th June.—At 4 A.M., we set off rowing from the south-west of Green Island. I found the fisheries on the eastern part of the island in conformity with the law. We left the island with the flood tide, and entered the River Moulin at 1 P.M. After landing our effects to have them dried, I proceeded to Mr. Bertrand's and to the office of the Clerk of the Court, who was engaged at an *enquête*.

16th June.—Sunday.

17th June.—Mr. Chas. Bertrand requested me to take into consideration the great poverty of the persons in default, a fact which has long been well known, and the difficulties in which the small farmers, who are also fishermen, have latterly been involved, their means being exhausted in consequence of the high price of flour. Many families have had no bread on their table since the spring, their last farthing have been devoted to the purchase of seed.

The defaulting fishermen, being all assembled, begged me to decide the matter in a summary manner, as I might have done if they had been present at their fisheries when found to be in contravention of the law, as they were desirous of escaping the law costs, which are very high in that county. Mr. Bertrand, a former Magistrate, told me that under the circumstances, I ought to do so, although not in accordance with the letter of the law, the persons in default not having been absolutely present at the spot where the offence was committed. Considering that the lowest fine, without costs, would be a greater punishment to them than a higher fine at a less critical time, I condemned them to pay the following fine for each fishery:—

Ephrem Grandmaison.....	\$4 00
Étienne Grandmaison.....	4 00
Cyrille Tremblay .....	4 00
Paschal Guichard.....	4 00
Dame Zéphirin Raimond.....	2 00
Joseph Raymond.....	4 00
Michel Coté.....	4 00
Firmin Vaillancourt.....	4 00
J. B. Côté.....	4 00

The whole was paid without delay; the fines, though small, were borrowed by quarter dollars. They went away satisfied with the manner in which I had dealt with them and very certain that they would be severely punished in future, if found committing an offence.

18th June.—At 8 in the morning, the rain having ceased, I left the parish of Green Island, visiting the fisheries which had not been visited at the morning tide. At 7 P.M., the same day, I reached Trois Pistoles, where I passed the night.

19th June.—The wind being north-east, I ordered my man to go at low water to the fisheries, I myself getting ready to proceed to St. Simon, at the request of Louis Rioux, a resident there. That person having arrived, the journey was avoided.

Louis Rioux complained that George Charest, a minor son of Thomas Charest, the keeper of the lake, had fished in Lake St. Simon in contravention of the fishery laws, and had done so on several occasions. The witnesses being absent, I issued process to cause them to appear in the afternoon before me at the residence of Jules Dumas, Esq., N.P.

After several witness had been heard, the whole being taken down in writing, I condemned the said George Charest, jointly with his father, as being his son's tutor, to pay \$8 fine and \$13.20 costs. The father at first refused to pay, but perceiving that I was taking steps to recover the amount by means of a seizure of his goods and chattels, he paid the fine the same evening. The complainant accepted Thomas Peltier, Esquire, trader, J.P., as surety for the costs.

21st June.—Achille Paradis, day laborer hearing that a complaint had been laid against him before me for having fished with Charest at Lake St. Simon, came and confessed judgment. I condemned him to pay \$4 fine and \$1.70 costs; the amount was paid at once.

Business being completed, I prepared my luggage to be ready to set off with the evening tide. We left Trois Pistoles at 4 P. M., and passed the night at the Razades of St. Simon.



22nd June.—At 4 A. M., we left the Razades rowing, passing by the cliffs of St. Simon and St. Fabien, and fixing the limits of each license as far as Ha! Ha! Bay, at which place I went to the residence of Abraham Dumas, in accordance with instructions from the Department, dated 22nd January last. No person refused to take out a license, but no person had any money with him; these licenses will be issued as I return.

The difficulty between Mr. Dumas and Mr. Gagnon could not be settled by a license. Mr. Gagnon had conceded the upper part of the south-west point of Ha! Ha! Bay, situated in the seigniorship of St. Fabien, to abstract or obtain by that means the fishery ground which Mr. Dumas has always held, and that, in my opinion, unjustly, as Mr. Gagnon does not reside on that Bay and has not utilized that fishing ground this year, and as he has two other fishing grounds a Cap à l'Original, Anse à la Truie and Bay des Foins, where he resides. Therefore I did not hesitate to issue a license to Mr. Dumas that he may be at peace.

If I might venture to advise, I would recommend Ha! Ha! Bay to the Department as a most eligible spot for the deposit of oysters. Every necessary requirement for that purpose exists there. Unusually large, and sheltered from storms, the bottom is as level as a sheet of paper. There are no loose stones, the bottom being a red sand mixed with mud; the depth is one, two and three fathoms at low water; the bay breeds large numbers of small shell-fish (*bourgeois*) which disappear or bury themselves at the approach of bad weather. If the existence of native shell fish in the bay, where the water is not as salt as in the Gulf give prospect of the reproduction of oysters in rivers, there can be no doubt but that this bay is the most favorable place that the Department could find for the formation of an oyster bed.

23rd June.—On Sunday morning we left Ha! Ha! Bay, rowing to Bic, where I met Mr. Sylvain after mass.

24th June.—I gave a license to George Sylvain, Esq., M. P., for the limit from Massacre Islet to the Hâtée River. Messrs. Létourneau and Bélanger, who have set fisheries within that limit, have made arrangements with Mr. Sylvain for the present year. I also gave a license to Madame Longchamps for the station at Cap Enragé. I visited the fisheries of Anse au Bouleau in my boat. A high wind from the north-east detaining me at Bic, I devoted the time to the exploration of the little river to the south-west of Bic, taking a plan of its course as far as Jos. Levêque's large creek, a resort of salmon when the river is low. The salmon having been formerly killed in this creek against the will of the proprietor, Jos. Levêque, I authorized him to watch the river, and gave him \$2 with a promise of reward hereafter, if he should succeed in detecting any person infringing the law. Jos. Levêque assured me that he had counted eight salmon wintering in the creek just mentioned, and that at the first ice of last winter. The little river which is the outlet of Lakes St. Simon and Malobès, is very much like the River Mistassini on the north shore. The Damour Islet fishery, set up by Hector Bérubé, has been further removed from the channel of the river. It is much shorter than last year and will consequently not be productive of as much injury as it was last season.

I was unable to obtain the information necessary to secure the conviction of those persons who had been guilty of infractions of the fishery laws in the south-west river of Bic. It was very difficult to ascertain the names of the Indians who had visited it. I venture to hope that they will meet with a different reception hereafter.

We left Bic at 6 P. M., taking advantage of the calm to reach Rimouski. We passed the night at Mr. Langis' fishery, at Cannel Island. We crossed the river at 6 A. M.

25th June.—At Rimouski, where I was engaged in replying to letters received and attending to the wants of the fishermen.

26th June.—I went to the saw mill with Mr. Luc Sylvain. It has often been contended that it is almost impossible to carry away the sawdust which falls into the river. Animated by the spirit of progress, Mr. Sylvain, in order to re-stock this river with salmon, has spared no pains to prove to the public that where there is good will the matter is easy enough. He has constructed a platform under the mill with boxes around the frames; a second small box encloses the crank in such manner as to allow of the ordinary play. The current of air created by the crank in this box, which arises as much as possible above the platform, drives up all the sawdust which falls into the larger box; it is thence removed by two men out of the mill.

About 450 or 600 bushels of sawdust are removed daily. After having been allowed to heat in heaps, it is hoped that the sawdust may be utilised for the improvement of heavy clay soils.

There are more salmon in the Rimouski River than there were last year; they appear to be abundant as in the still waters of the Godbout River, notwithstanding that several hundreds are taken at the Government wharf.

A second cause which will retard to an unusual degree the increase of salmon in this river, is the great number of trout in its water. These destroy at least one-half the eggs of salmon deposited.

I must direct the attention of the Department to this matter. Trout cannot be fished for with the fly in this river without a large number of small salmon being taken. Mr. Sylvain will not fish for trout for that reason. The only method of destroying the trout without causing damage to the salmon would be to obtain permission from the Commissioner to fish for trout in the close season, by ground fishing in the autumn. At that time the trout is full of salmon eggs of the size of a pea. It will hardly take bait at all in winter. A permit extending exclusively to the lower part of the Rimouski River would protect the thousands of salmon eggs which in a short time would re-stock the waters of the St. Lawrence.

26th June.—At low tide I visited the fisheries at Isle au Sable. All was in conformity with the law.

27th June.—We left at 9, a. m., to visit the fishermen at St. Barnabé Island, and also to fix the limits of licenses and to cause the ground or shoal, belonging to the Hon. Mr. Tessier, represented by Mr. Chalifour, Sheriff, to be cleared. The Sheriff's fishery and that of Mr. Bouilliane were in conformity with the law, but that of Jacques Lepage had not been so before this day. In view of the fact that the said Jacques Lepage paid \$5 fine last season to Commander Fortin for the same offence, a suit will be instituted against him. Complaint was also made that the said Jacques Lepage had extended his fishery too far out, covering the other fisheries in such way as to send the fish off the shoal. I notified him not to set up his fishery in that way another year. We left St. Barnabé Island at 8 in the evening. I issued licenses to Mr. Laurent Bouilliane and to S. Chalifour, Sheriff. I brought an action against Jacques Lepage. I was engaged in replying to several letters received from the Department.

29th June.—St. Peter's day.

30th June.—Sunday.

#### REMARKS.

The herring fishery of this spring was, in general, inferior to that of last spring. In fact in some parishes there was no fishing done whatever.

*Rivière Ouelle*.—Hardly anything.

*Kamouraska*.—But little herring, but a good catch of *roulis*,—a large quantity of sardine which serves for daily consumption.

*St. André*.—No herring, but some sardine.

*River du Loup*.—Little herring in the nets, but large and fat. It appeared very late, in the first days of June.

*Cacouna*.—The fisheries had a regular take of a few barrels every day; so that the season may be said to have been a good one.

*Isle Verte*.—Main land. Mr. Achille Bertrand's fishery is the only one in which fishing was carried on. I think the catch was about 200 barrels, the fish being removed every day by the poor of the townships. I doubt whether the proprietor sold as much as \$20 worth.

*On the Island*.—Few and small.

*Trois Pistoles*.—Nothing.

*Bic*.—Hardly anything.

*Rimouski*.—The little taken here was caught on St. Barnabé Island.

The salmon and shad fisheries are better than last year.

In my humble opinion, the herring have not disappeared from the coast, as would appear to be the case from the fact that the yield of the fisheries is diminishing from year to year. All the herring have not emigrated to other localities where they can deposit their spawn without obstacle. In general, the herring have been driven from the shores in proportion as the fishermen, in striving to compete one with another, have increased the length of their fisheries. At first the longest fisheries were the most lucky. Hence they were lengthened from year to year. At present, whenever the length of the beach permits, the fisheries extend the length of fifteen arpents, and every proprietor wishes to have a fishery of his own. All the old spawning grounds, where the fish deposited their eggs, are covered with fisheries. The herring that approach the beach with the flow, meet these obstacles and return to deep water; when the ebb commences they are free. At Isle Verte, this spring, I saw men walking midst herring, below the fisheries, as the tide began to flow, the fish being so thick that you could lift them with the foot, as the tide ebbed there was nothing in the fisheries. At Anse au Sable, Rimouski, the herring deposited their eggs, this spring on a little shoal a few paces from the enclosure of the fisheries. Were it not for this little shoal, the fish would have been forced to migrate to another locality, as they are forced to do from the great spawning grounds, owing to the lengthening of the fisheries. Thus, at Isle Verte no fish whatever was taken this spring. A few years ago the fisheries were all short, and the fish, while swimming, were drawn into them by the ebb. So long as the fisheries are set as they now are, I can see no hope of this fish re-appearing as it formerly did. The great number of fisheries, and above all their length, is the chief cause of the disappearance of the fish; not merely owing to the vast quantity of fish formerly destroyed by these fisheries, but still more by the fact of their preventing the fish from visiting the spawning grounds for reproduction.

I do not claim the credit of making these facts known to the Department, for the Government has already endeavored to diminish the excessive number of fisheries, by a clause in the law prohibiting the setting of any fishery which was not in existence in the fishing season of 1864. A great deal has been said against this clause of the law; in fact it has been denounced as an infringement of the rights of the people. I shall take the liberty of suggesting a plan less severe; it would be that of association, under a law prohibiting the setting of any brush fisheries at less than a certain distance apart, compelling those on whose lands fisheries shall be set to associate with themselves those who shall be compelled to cut down their fisheries; by this means the party who cannot set his fishery will be indemnified by taking a share in the next fishery and will not be jealous of others. Whenever it is proved, upon oath, before the fishery overseer that one of the parties is unreasonable, the overseer shall have the right to exclude him. Usually, in large fisheries, there are five or six partners, often residing very far apart, in the other concessions; it will be better that five or six neighbours should lose their fisheries and combine together so as to clear the beach. This plan of association would render great benefits to the fishermen; a larger quantity of fish would be salted; for if the herring take to the beach when driven by the wind and are all taken in the fisheries during one tide; the proprietor cannot have his neighbours to assist him; he saves ten barrels out of fifty and by the time it becomes known that the fish are in, it is too late for the tide; on the following day the fish is removed for manure, and is thus lost.

I forgot in my report of last year to call the attention of the Department to the protection of sturgeon. Having from my early youth seen this fish wasted, I never should have thought that the Government would be rendering a great service to its subjects by adopting a regulation for the protection of the fish. But public opinion is now being aroused by the want which is felt. I express the views of a great number of persons who desire a prudent enactment of law which will, this summer, render it penal to take sturgeon in any fishery, to have it in one's possession or offer it for sale, when less than three feet in length. The fish is then larger and is getting its fox snout which is very pointed it becomes more flat nosed as it grows older. A little consideration will show that it is a shame to waste in this way a fish which, when young, is worth but a few cents, whereas when it has attained full growth it weighs over 200 pounds and forms a delicious and profitable article of food. It is not exported because there is never enough for local consumption; the fishermen themselves think themselves lucky when they happen to catch any of these fish. It never occurred to any one that to protect 100 young sturgeon was

to protect more than the value of 100 barrels of herring. I can vouch for the truth of the following: I myself witnessed on one occasion, the fish divided in a fishery by two associates. Amongst the fish was a middle-sized sturgeon, five or six feet in length. All parties were eager to get the fish, and over six bushels of herring were offered for it. No change need be made in the fisheries in order to effect this protection, for this fish will not die from being allowed to remain on the mud banks during low-tide; all that is needed is that the fishermen should make a little cavity at the entrance of the warren into which the water may flow, and deposit therein any sturgeon under three feet under the warren in order that the crows or gulls may not carry them off, and when the tide comes in they will all be saved. This can very easily be done. Such a law will protect at the least 100,000 young sturgeon in the Parish of St. Ignace alone. During one and the same season I saw two or three horse loads of young sturgeon removed from a single fishery, and in the Quebec market a string of sturgeon is offered for from 10 to 12½ cents. I trust the Department will accede to my request as soon as possible, and forward to me copies of the regulation in question in order that all fishermen may be furnished with one before the month of August, the period when the largest number of these fish are destroyed.

I have the honor to be, Sir,

Your very humble and obedient servant,

(Signed),

ALFRED BLAIS,

*Fishery Overseer.*

Rimouski, 6th July, 1867.

MONTMAGNY, 18th October, 1867.

To the Honorable the

Minister of Marine and Fisheries.

SIR.—I have the honor to transmit to you my daily journal of proceedings from 1st July to 1st September, 1867.

*1st July.*—My little vessel was swamped by the tempest last night; my man was in bed on board and had difficulty in saving himself; all our provisions and effects were washed out of the boat. My papers and the tracing of the coast were on shore. We found three oars and some of the effects. The boat received no injury whatever. In the afternoon, Jacques Lepage, a fisherman residing at St. Bernabé Island, was brought before me charged with an infraction of the fishery laws. He was condemned to pay \$6 fine and \$3 costs.

*2nd July.*—From 7 A.M. to 6 P.M., I worked at my report up to 30th June, and at the mapping out of the limits of the licensed fisheries at Bic, St. Fabien and St. Simon.

*4th, 5th July.*—Same work.

*6th July.*—Finished and forwarded my report.

*7th July.*—I gave a fishing license to Mr. Langis, for Islet a Canuel.

*8th July.*—We left Rimouski at ten o'clock, using our oars, and visited the fisheries as far as Grand Métis finding all going on well there. I found the people tolerably zealous in complying with my orders as to the manner of setting these fisheries. Having reached Grand Métis River at 5 P.M., we started again at 6 for Métis Islets, where we were to spend the night, and arrived there at 8 the same evening.

*9th July.*—We left Little Métis at 9 A.M. I visited the fisheries and we passed the night at Anse de Matane.

*10th July.*—We started from Anse de Matane at 9 A.M.; reached Matane River at 11 A.M. I found two salmon nets set by the lessee, Mr. Lacroix; one of them was about 30 yards from the old slide, a distance of about 80 yards from the other net. I directed Fiolas who is employed by Mr. Lacroix to remove the second net as it was too near the slide near the only dyke in which the salmon habitually rest, which was done at once. I condemned Mr. Lacroix to pay a fine of ten dollars. I commenced the preparation of the platforms under the mill to carry off the saw-dust.

*11th July.*—Began the construction of the fishway.

*12th July.*—Engaged at the fishway. Being able to manage a larger number of men, I endeavored to increase the number.

*13th July.*—We have made a dam in order to work on dry ground. I took a vehicle

and visited the fisheries from the Matane River to Ruisseau Jacques Hughes, Cap a la Baleine.

14th July.—Sunday.

15th July.—Having been able to get only three men, I told the foreman of the mill that if there were no competent men in the place, I would find them elsewhere. I had no lack of men after that. The level of the dam measures 52 feet in length, which somewhat astonished the foreman; in fact he made several attempts to alter matters so as to shorten the fishway to 40 feet, but I would consent to no change of a nature to diminish its efficacy.

16th and 17th July.—Same work. During the night of the 17th, at 2 A.M., I visited the river in a canoe in order to ascertain whether certain parties might not have been tempted to fish for salmon which had been seen during the day under the bridge.

Crossing the Matane River I was not deceived as I have sometimes been in these nocturnal visits, for I seized a net set by a servant of Mr. Lacroix, named Lawrence Fiolas, but I was enabled to ascertain that the latter had acted on his own behalf. In view of his large family and of the value of the new 15 fathom net for which he must pay the proprietor, I condemned him to a fine of one dollar and took possession of the confiscated net.

18th and 19th July.—The work continues. In the afternoon an individual came in a canoe, close to the fishway in pursuit of the salmon which had gathered to the number of seven in the canal I had caused to be cleared out on the previous evening. I sent him away and told him never to trouble the salmon in this spot again. All parties agree in stating that it is many years since so many salmon have been seen this river. Mr. L. N. Blais attributes this to the fact that a portion of the dam was broken four years ago, and salmon were seen that year in the upper part of the river. It is supposed that the young of these salmon are this year visiting this river.

20th July.—Fearing lest I should be unable to finish the work, as the week was advanced I increased the number of men by the hands employed at the mill, and at 7½ P.M., we let the water into the fishway in the presence of a large number of spectators. The dam having been lowered opposite the fishway, no drought will ever run it so low as to prevent the salmon from getting up. At the least 18 inches of water was let into the fishway and so slight in the pressure of water that a man can go up and down the 52 feet without touching any thing, and in fact, with his arms crossed. A chip takes more than a minute to pass down. After the trouble I had, notwithstanding the good will displayed by Mr. Sylvain, junior, I do not think the Department can ever succeed in getting a similar work constructed any where without sending to the spot some person interested in having the matter carried out in a perfect manner, for the least thing, according to the position of the fishway, may prevent the salmon from going up.

21st July.—Sunday. I gave notice at the Church door fixing the limits which canoes and persons fishing for trout were not to pass under penalty of a fine.

22nd July.—Monday: I settled with Mr. Lacroix and Laurent Fiolas the fine imposed and stored the nets in a safe place; I also finished the platforms and boxes to receive the saw-dust; I left the River Matane at 2 P.M., after having counted 22 salmon a few feet from the fishway. Reached Little Métis at 11 o'clock.

23rd July.—Left Little Métis at 5 o'clock. Visited the fisheries at Anse des Morts, which I had been unable to visit going down. They were all conducted in conformity with the law. Having reached Ste. Luce at 11 P. M., we were glad to run under the lee of a fishery for shelter against the wind which blew all the rest of the night, with rain and thunder.

24th July.—At 7 A. M., the wind having veered off shore a little, we were enabled to row to Father Point where we passed the night.

25th July.—At 5 A.M., we reached Rimouski; I busied myself entering the notes for my Report. I proceeded to Anse au Sable to give fishery licenses to those who took salmon; those whom I was unable to see were to meet me on the 26th, at Côté's Hotel.

26th July.—I gave three fishing licenses; several other applicants were expected and did not come; I continued the work of my July Report. Mr. Desjardins, of St. Fabien, came for me for the second time, in order that I might settle the difficulties which had arisen between the parties, who had set eel nets on the outlet of Lake St. Simon, but I had

no time to go, having made an appointment at this place with other fishermen who desired to take out licenses.

I met the Hon. Mr. Tessier in the afternoon. He begged me to go to Lake St. Simon on my return, in order to ascertain whether the complaints made by tourists against the lessee, Thomas Charest, were well founded; I promised him that if I were detained at Rimouski until Monday, by the south-west wind, I would drive to St. Simon so as to return in time to put my boat on board the steamer.

27th July.—Strong wind from the west. I continued my office work and notified the Department that I had left Matane.

28th July.—Sunday.

29th July.—I engaged a carter to take me to St. Fabien. At the request of the fishermen of the lower part of the river forming the outlet of Lake St. Simon and Malau-bais, I demolished four eel fisheries which obstructed nearly the entire channel. I went on the same night, to the fishway of Lake St. Simon, and fixed the limits of the eel-fisheries there. I had long been expected at this place; Thomas Charest had been asked to have the place cleared, but he did not come; I saw several poor persons to whom T. Charest had refused leave to fish at the time appointed by law. I reported the fact to Mr. Tessier, who told me that the lake had been let subject to the condition that the people of the place were to be allowed to fish at the lawful season. At his request, I made enquiry for a reliable person who would take charge of this fine lake, and make it his duty to visit the spawning grounds regularly in the fall. The most reliable information pointed to Joseph Berger, who lives to the north-east of the lake, as the best person to select. This man, though poor, is not in the habit of fishing at any time; he is anxious to do his duty. From what I have been enabled to ascertain concerning him, I feel justified in recommending him to the Department and to Mr. Tessier.

30th July.—I returned by the shore of St. Simon, the salmon fishermen were not at home to pay their licenses; all the nets had been taken up, for I saw them spread on the fences at their houses; I notified them that they must make payment to Notary Dumais of Trois Pistoles, within a few days from that date. I returned the same evening to Rimouski, after having given fishing licenses to those who took salmon at Bic.

31st July.—Xavier Parent, of Anse au Sable, who thought he was about being prosecuted for not having made it known that he had taken salmon in his fishery, came to take out a license this morning. I received a letter from Mr. Blais, of Matane; during the night of the 26th, he caught an Indian and a Canadian committing the grave misdemeanor of torch fishing, and wished to await my return to that locality in order to punish them as they deserved. I begged him to prosecute them at once, lest the Indian should move off before I had occasion to return to that river.

1st August.—Having put the boat on board the steamer *Advance*, we left Rimouski at 3 P.M. When off Ile aux Grues, Captain Simard having stopped his vessel in order to enable us to disembark, in a few moments we took leave of him. As the *Advance* was in the north channel opposite Ile aux Grues, we were compelled to row to the island and thence to St. Thomas, where we ran in at 6 P. M.

3rd August.—Having failed to secure the men I required to do the blasting at the basin of St. Thomas, in order to prepare a place to facilitate the ascent of the salmon, I proceeded to St. Pierre to get a man of practical experience in the work.

4th August.—Sunday, at St. Thomas.

5th August.—The river having risen we were unable to blast.

6th August.—The river being high we were unable to blast.

7th August.—We commenced work. I kept my man with seven others, at their work; one at 5s. per day, two at 4s. the others at 3s. 6d.

8th August.—Ten men to-day.

9th August.—Ten men to-day.

10th August.—Having been requested to go to St. Louis de Kamouraska by L. Miller, merchant, and Notary LeBel, in connection with a fishing matter, I left my men under the care of J. Blais and D. Tétu, and after having shewn them the work to be done, I left St. Thomas for Kamouraska.

11th August.—Sunday, at Kamouraska.

12th August.—Being upon the spot with the parties interested, Miller and LeBel, I

decided that a portion of the eel fishery of Notary LeBel should remain set, and that the outer portion should be destroyed, in order to give Mr. Miller a chance to take some fish. Inasmuch as these two fisheries were within one arpent of each other, they were satisfied with my decision and parted on good terms. In the afternoon I was summoned to the little Kamouraska River, by B. Paradis, who complained that the eel fisheries set in front of him crossed the water-course completely, and left him no chance of laying in his stock of eels. I proceeded to the place and after having heard the facts, the parties interested being with me, I caused one third of the main channel to be cleared at each fishery, and, moreover, condemned Milrée Labris to pay a fine of \$1; LeBleu Labris, \$1; Nazaire LeBel, \$1; J. B. Paradis, the party complaining, was also condemned to pay a fine of \$1. Having received two complaints for infraction of the game law against Pierre Michaud and Charles Ouellet, I determined to prosecute them as I should be at leisure.

13th August.—I left Kamouraska for St. Thomas.

14th August.—Engaged in blasting.

15th August.—The storm during the night caused the water in the river to rise so much that we were unable to continue work.

16th August.—Resumed work.

17th August.—Resumed work.

18th August.—At Montmagny.

19th August.—In forenoon bad weather, afternoon the water too high.

20th August.—Rivière du Sud being too high to continue the blasting, I availed myself of the delay to visit Rivière Ouelle. At 4 P.M. I visited the river, and gathered a variety of information as to its condition. I was told that a couple of salmon had been seen at the dam of Mr. Letellier's mill during the summer, and one fish in the rapid below the railway.

21st August.—After having calculated afresh the expenditure necessary to be made on this river in order to prevent the present destruction of salmon, I fell back upon the first plan, that is to say, the erection of a barrier under the railway bridge, in place of putting a rack in the sluice and another in the dam of Mr. Letellier's mill; this barrier should be made of iron with a network also of iron, and to relieve the barrier it would be necessary to have a small boom below Mr. Letellier's mill dam, to stop the timber carried down by the river. Moreover, this barrier should be so erected as to enable it to be removed every fall. This river is now very foul, owing to the vast quantities of saw-dust and wood from the different mills. Mr. King, the proprietor of the said mill, does not seem to me to be disposed to do anything towards the removal of the saw-dust. Should it be decided to carry out the above works on the River Ouelle, I beg that the Department will notify me during the winter, so that I may be enabled to secure the timber required for the small boom.

22nd August.—I left River Ouelle to return to Montmagny.

23rd and 24th August.—We continued our blasting.

25th August.—Sunday, at Montmagny.

26th August.—After having given orders to the workmen of the day, I went up to St. Michel with the intention of settling the matter of Lacombe, in accordance with the instructions of the Department. I was anxious that it should be done, before I should be exposed to find him again infringing the laws at my coming visit to the islands. In this journey to St. Michel I did not find Mr. Lacombe at home, he was fishing with the seine at the islands. I returned to St. Thomas the same night.

27th August.—I remained with the workmen, in order to finish some of the basins of the falls, so that I did not go to the islands.

28th August.—I settled with half the workmen.

29th August.—I gave instructions to those who continued at work as to what remained to be done, and we crossed over at once to Ste. Marguerite Island. We met no one during the day; we slept at Patience Island, north-east of Grosse Isle.

30th August.—At daybreak we saw a boat coming towards us. On its entering our bay we boarded it to measure the seine which I had seen from the shore. This seine which was 190 feet in length with a two inch mesh, belonged to one David Mathurin, of St. Thomas. Mr. Mathurin declared that he had fished with the seine about three weeks before, and that since then it had been of no service to him. He, moreover declared, that he had

bought the seine from Abraham Enouf of Beaumont, and that the latter had sold it to him as a seine having the length of mesh required by law. I told him that he had been deceived, and that it was my duty to seize the seine. This was done. In view of Maturin's poverty, and the loss occasioned by the seizure of his net, I condemned him to a fine of only 50 cents, in addition to the confiscation of his seine, which we took on board our boat. We then crossed to St. Thomas in order to store it in safety.

*31st August.*—I worked in making up the account of disbursements for blasting, to be transmitted to the Department. I proceeded to the station where I received some information respecting two persons of the Parish of St. Anne, named Adolphe Morrin and Dubé, who were said to have made a practice of drawing a seine for trout in Lake St. Anne. As soon as my other engagements permit me I shall attend to this matter.

*1st September.*—At Montmagny.

*2nd September.*—Occupied in writing.

*3rd September.*—We crossed to the Islands with a stiff breeze from the north-east, and found Irudent Lacombe of St. Michel, in the south-west bay of Grosse Isle. I visited his seine, and found it according to law. I also found in his vessel three dozen of white-fish taken in his seine the preceding evening. When I remarked to him that netted white-fish were prohibited, he assured me that that fish was sold and bought in the markets without any difficulty, and that he had information by letter from the Department that the taking of it in the seine would be allowed, as well as by other methods of fishing. I would have confiscated his fish immediately, but considering that I had already found him violating provisions of the Fisheries Act, and had had great trouble with him, I took his word for the time, in order to receive instructions from the Department, on the question. We immediately returned to St. Thomas. I then telegraphed to Ottawa to gain time to meet Mr. Lacombe at Quebec on Saturday.

*4th September.*—I passed the day in writing.

*5th September.*—I received a telegram from the Department authorizing me to proceed to Quebec in order to receive instructions contained in a letter addressed to me, and immediately left St. Thomas. On my arrival at Quebec, I went to the River Etchemin, in order to visit that place. The salmon put in there above the lock were partly found dead below. Prudence would have dictated the placing of a rack above the lock, in order to cut off their return to the sea, before they had felt the impulse to deposit their spawn.

*6th September.*—I went on board the steamer at 5 A.M., on my return to Quebec. As my letter was addressed to the care of Mr. Simard, and he received it late in the morning, Mr. Lacombe had sold his fish and had set off on his return to St. Michel. I availed myself of the time remaining to warn the traders, that in future they must not buy any white-fish taken in a seine in the close season.

*7th September.*—I left Quebec for St. Thomas.

*8th September.*—Sunday, at St. Thomas.

*9th September.*—I visited the warren fisheries of St. Thomas, and found Mr. Fournier's made contrary to law; not having any rack or fishway at the extremity of the warren. As Mr. Fournier was on the spot, and had, contrary to the advice of his friends, neglected to put his warren in legal condition, I condemned him summarily on view to a penalty of \$4.

*10th September.*—We left St. Thomas for the islands.

*11th September.*—Being at the islands, I fell in with Mr. Lacombe, and in his possession a dozen of white-fish caught with the seine contrary to the Fisheries Act. I condemned him to pay a fine of \$2 and confiscated the fish.

*12th September.*—We left the islands, and endeavored to cross to the south side, but the wind obliged us to put back.

*13th September.*—Returned to St. Thomas. Mr. Xavier Fournier paid his fine.

*14th September.*—I went to Berthier to meet an officer of the Department, and to accompany him in his visit to my division, and to the different works done by the Department in the course of the summer.

*15th September.*—Sunday, at Montmagny.

*16th September.*—We set out for the islands, crossed over to Reaux Island, and thence to the Isle of Orleans; the stiff breeze obliged us to go into the River St. Anne, where we passed the night. We visited part of the fisheries of St. Famille and St. François. We found



that of P. Marquis with three warrens and so doubled as to prevent the passage of small fish. As he was on the spot, I fined him \$6, which he paid at once. We slept at Argentenay, St. Francois. The business to be settled on the island relative to the seines would have detained us too long, so I resolved to return thither another time, in visiting the north shore.

*18th September.*—We left the island, crossing to St. Thomas and took the cars the same day. On leaving, I gave orders to my man to visit the fisheries at the Cape, as well as those of St. Thomas, and to take good heed that no one should carry off the boat. We passed the night at St. Pacôme.

*19th September.*—We visited the River Ouelle, and the mills there. Having measured the iron bridge we went down to St. Denis on our way to Little Cove. Hearing that the fisheries there had been destroyed by the gale, we went on to Kamouraska, calling on Mr. Xavier Raymond to receive the money for his license. He wished to consult Hon. Mr. Chapais before paying it.

*20th September.*—We visited the fisheries at the Cove, and found that of Lazare Bérubé stopped at its outlet with brush. Thousands of small fish were dead within it. I sentenced him on view to pay a fine of \$4. I left licenses for Xavier Raymond, Paschal Lacroix and Lazare Bérubé, in the hands of Phidime Blais, a trader in the place, who undertook to collect the moneys for them. We took the cars at St. Paschal for Rivière-du-Loup.

*21st September.*—Leaving Rivière-du-Loup we passed by Cacouna. I granted a license to Mr. T. Ely. Several other persons also who have taken salmon and not paid for their licenses, were absent. We arrived at Trois Pistoles at five in the evening.

*22nd September.*—Sunday, at Trois Pistoles.

*23rd September.*—The wind having veered to the north, we were unable to cross to Escoumains. We went on to Lake St. Simon; considering that the cel fisheries between the north of Lake St. Simon and the south-west river of Bic are injurious, inasmuch as they take trout late in the season, according to information received on the spot, when the cel fishery is nearly ended, the proprietors agreed to destroy them for the rest of the season. We returned to Trois Pistoles at 10 P.M.

*24th September.*—We went to the Cove with a view to cross to the north shore, but the weather was too rough. I turned the disappointment to account by instituting an action against Edouard Glaude Létourneau, for having taken salmon without having first taken out a license.

*25th September.*—My business still detaining me at Trois Pistoles, I allowed the officer to proceed to the north shore alone. Edouard Glaude Létourneau, whom I had summoned to appear before me, came and confessed judgment. Considering that he had given trouble, on several previous occasions, and that nothing is to be done with him, save by suing him at the law, I condemned him to pay a fine of \$4 only, and 16s. 9d. costs, as he is not rich. I, moreover, warned him, that he needed not to make any preparation for taking salmon, as he would not obtain a license from the Department.

*26th September.*—At Trois Pistoles. M. Létourneau paid the remainder of his fine.

*27th September.*—The officer whom I accompany arrived in the night.

*28th September.*—From Trois Pistoles to Bic. We visited the Little Salmon River, south-west of Bic. The person named Ouellet, to whom I had given \$2, to obtain information relative to that river, watched for a certain time. He informed me that he had observed several salmon in the ditches this summer, and had, moreover, warned off a man who was placing stakes in the river, as he supposed it was for the purpose of setting nets. We went to visit the fishery belonging to Hector Bérubé, situated at the mouth of the said river, and after a careful examination of the place, concluded that there ought to be no fishing apparatus set there, if it is intended that salmon should enter for the purpose of spawning. We visited Bouleau Cove, in which there are three fisheries, placed too near each other. We induced the proprietors to unite their interests so as to keep up only two for the future, and they agreed to our proposal.

*29th September.*—We left Bic to go to Rimouski.

*30th September.*—We visited the River Rimouski and Sandy Cove; we also saw fishermen with a view to induce them to combine their interests so as to diminish the

number of fisheries. They seemed well disposed, and we may hope that such an arrangement may be made for the next season.

I have the honor to be, Sir,

Your obedient servant,

(Signed),

ALFRED BLAIS,

*Inspector of Fisheries.*

To the Honorable,

The Minister of Marine and Fisheries, Ottawa.

SIR,—I have the honor to transmit to you the journal of my proceedings from 1st October to 31st December, 1867.

1st October.—We left Rimouski for Matane, and slept at Sandy Bay.

2nd October.—We left Sandy Bay, and reached Matane at 11 A.M.; the officer of the Department accompanying me laid a complaint against Rémi Blanchet for torch-fishing in the River Matane. As he did not appear, being absent, I put off the hearing to the 3rd, at 8 A.M.

3rd October.—The said Blanchet appeared at 8 A.M., and the witnesses being duly examined, he was condemned to pay a fine of \$10, and costs amounting to \$3 80. Having settled this business we left Matane, and passed the night at Sandy Bay.

4th October.—We left Sandy Bay at 6.30 A.M. Leaving the officer of the Department at Father Point, to take the steamboat, I went on to Rimouski, where I passed the night.

5th October.—I proceeded, with the aid of Mr. Sylvain, to procure salmon spawn to convey to South River. I went to Salmon River to obtain a salmon net, but the rain and snow impeded the undertaking for that day.

6th October.—I went to Price's Mill, where Mr. Sylvain placed men and vessels at my disposal. The rain of the preceding evening had swelled the river, and I had no success with the seine in obtaining what I wanted. I therefore resolved to proceed to the spawning ground.

8th October.—I returned to the spawning grounds, but the salmon had all left it. I made a second visit at night fall, and made choice of all that suited me. The spawn of four pairs was taken out to make the trial in the present year—about two gallons of eggs, calculated to number 60,000. Had I needed so many, I could, with equal ease, have procured the spawn of fifty pairs. Most of the salmon frequenting the Rimouski River spawn above the last rapids, at the head of the islands. Before the female commences the deposit, she does not often remain on the shoals in the day time; she remains in the deepest parts of the river. As soon as the sun has set, she goes back to the rendezvous, which is the coarser gravel of the spawning ground. The sight is an interesting one. I could not have imagined that a salmon could so easily convert a bed of gravel into the resemblance of a meadow rooted up by swine. I took great pains to examine the change in the head of the male from the time when he enters the river, to the period of spawning. The head of the female undergoes no change. The phenomenon appeared to me so wonderful that I cut off the heads of a pair which did not seem likely to survive the operation, in order to preserve them in spirits; and that they might be kept in future times as the heads of the predecessors of the salmon in South River.

#### REMARKS.

Respecting the River Rimouski, the proper time to obtain salmon spawn is from the 20th to the 25th October. The 8th, when I took it, is, in my opinion, rather too early, the operation being then too severe and more difficult, so that it probably injures the health of the salmon.

9th October.—I endeavored to bring together the fishermen of Sandy Bay in order to

form an association and find a way to diminish the number of fisheries in the neighborhood, but failed, as there were among them some whom no agreement could bind.

10th October.—At 11 P.M., I went on board the *Advance*, which was at the time engaged in the Light-House service.

11th October.—We lay to at the Pilgrim's Light-house, that at Grosse Isle, and that of the Pillars.

12th October.—From Quebec to St. Thomas.

13th October.—Sunday.

14th October.—We proceeded to deposit the salmon-spawn at St. Pierre, on good gravel. I prepared it in such manner that the eggs could not be destroyed by the other fish, guarding them by a close net-work.

15th October.—Everything being arranged in the best possible manner, we returned to Montmaguy.

16th, 17th, 18th, 19th October.—Engaged with my assistant in drawing out my report for July, August and September.

20th and 21st October.—At Montmaguy, on private business.

22nd and 23rd October.—Engaged on the plan.

24th, 25th, 26th, 27th October.—On private business.

28th October.—We left for the North Shore. The breeze compelling us to put in for the night at Isle St. Margaret.

29th October.—We left the island at 4 A.M., passed a part of the afternoon on board a schooner, and slept at St. Anne's River.

30th October.—I engaged young Bacon to name to me the principal places on the River St. Anne, which we visited together, in order to complete my plan. There are several spawning places in the distance of about three miles, frequented by the salmon. The principal one lies below the basin of the two little falls. Above those two falls the river flows through a gorge which is at the most nine feet wide. This gorge receives the three branches of the Great Falls, which is worthy of a visit. This is no ordinary cataract, being, as seen from several points, much finer than Montmorency. I passed nearly an hour in examining the salmon of the spawning ground here mentioned, being the nearest to the Falls. Particularly I observed a pair of fish which had made their pitch four feet from the bank in about 18 inches of water, under the shade of a tree which overhung the river. The male was constantly busy in hunting seven or eight small salmon off, from three to five pounds weight. These young ones persisted in invading the hole made by the male in spite of his vigorous repulses. There were beside several smaller fish, trout or salmon, round the hole. To these the salmon paid no attention. The male only seemed to exert himself.

As the water was rough and thick, I got into it in order to ascertain whether the spawning was commenced. I opened the nest, but it did not contain a single egg. I concluded, therefore, that the assiduous attacks of the male salmon on the younger fish, which were all males, were made rather to guard the mother than the eggs, as there were as yet none of the latter. I ascertained, also, that the young male undergoes the change of form in the head while still very young, as these had heads nearly twice as long as that of the adult mother.

You will probably consider my account prolix of things which you are better acquainted with than I am; but I cannot omit mention of one circumstance which I noticed with interest. This is the shape of the spawning place as prepared in the gravel; the male having with his snout dug the hole, he rolls into it eight or ten stones of four or five pounds weight each; these lie at the bottom in close proximity, but so as to leave chinks or cavities between them. Among these the spawn is deposited, by which means the eggs are sheltered from invaders without being touched by the sand. The places likewise selected by the salmon, are always under a strong current, where nothing can remain but large gravel with stones as big as pigeon's eggs.

31st October.—A visit to the seines and the fishery at St. Joachim.

1st November.—All Saints' Day, at St Joachim.

2nd November.—I was occupied with Louis Lavois, Esq., with writs arising from breaches of the Fisheries law.

3rd November.—Sunday, at St. Anne's.

*4th November.*—The defendants appeared and confessed judgment. Their names are François Lessard, Charles Racine, Adolphe Cauchon, Naz. Simard, Joseph Giguères, Théodore Boivin and Joseph Silvain.

*5th November.*—We left to visit the fisheries at the Chateau, four in number, all contrary to law. Having walked ten miles, we awaited the arrival of the steamer to take passage back to St. Anne's. We started at 11 p.m. The gale and the snow compelled the captain to anchor at St. Famille, and we were further detained there till the afternoon, before we were able to enter the St. Anne River.

*6th November.*—Engaged with the suits arising from violation of the law at the Chateau, against François Perrault and Gabriel Rhéaume.

*7th November.*—Busy in clearing the boat of ice. This delayed us till the next day.

*8th November.*—Hoisted the boat on board the steamer in order to proceed to Quebec. I visited the Chateau to settle the business with Perrault and Rhéaume, who also confessed judgment.

*9th November.*—At Quebec, to procure stamps.

*10th November.*—Sunday, at Quebec.

*11th November.*—I was unable to leave Quebec, as I was suffering from a cold which I had caught in the course of the week.

*12th November.*—We left Quebec at nine in the morning, for the Island of Orleans; a high wind from the north-east. We landed at St. Pierre de l'Île and I went to the Post Office there for papers sent from the Department.

It would appear from information received that there has been but little seine fishing in contravention of the law this year, on the St. Pierre and St. Famille shoals.

*13th November.*—We continued on to Point St. Lawrence taking information and collecting licenses for salmon fishing stations.

I was unable, during the same evening, to settle the dispute which had arisen between Pierre Maranda and Xenophon Cinq-Mars, but I notified them to meet before me on the following day.

*14th November.*—Pierre Maranda paid for the license and arranged with Xenophon Cinq-Mars for the same fishing station; everything had been decided for the best. The River Mabeu station has been granted to Pierre Lapointe. I had to return to Maranda Bay, but Xavier Godbout had gone to Chicago; that license is therefore lost.

*15th November.*—We left Point St. Lawrence for St. Jean. A friend who desires the protection of the young bar gave me the information necessary for putting a stop to the seine fishing in this locality, by furnishing me with the names of the proprietors of all seines which have been used during the last ten years. I proceeded to the residences of these persons in order to ascertain the dimensions of the meshes of their seines.

*16th November.*—I went on to the lower part of the Parish of St. Jean on foot, examining seines. I slept there. I went to Notary Larue's, my acting clerk, to institute proceedings against M. J. Bte. Sivierge, Xavier Boyer, Celestin Derouin, and François Marc Turcot, for having fished or allowed fishing with the seine in contravention of the law. The parties came and confessed judgment, pleading ignorance and being ready to give up their seines. I condemned them to pay a fine of \$1 and \$2.30 costs and to confiscation of their seines; the money was paid at once. I concluded this business at 8 in the evening.

*17th November.*—Sunday, at St. Jean

*18th November.*—I engaged a vehicle to convey the confiscated seines to the boat. We went on board to cross to St. Michel, where we arrived at 11.30 A.M. I was occupied in collecting the fishing licenses at St. Valier and St. Michel.

*19th November.*—I went to Point Levi to visit the fisheries there. At Bellevue Bay at that place, there are three fisheries or nets for all kinds of fish, in opposition to each other; these have been set this year, but there is only room for one fishery there. I at once decided that the south-west fishery should not be set again. The removal of a second is a difficult matter to effect, as there are two old proprietors between whose claims it is impossible to come to a decision. After hearing what they had to say, I resolved to proceed to the spot at the commencement of the coming fishing season in order to decide which of them should remove his fishery to a greater distance. I anticipated the matter by advising them to associate themselves together cheerfully and set up a single fishery. Besides, I must in any case, proceed to the island early in the spring in order to investigate a com-

plaint made by Mr. Ferdinand Guay. Mr. Guay wrote last year to P. Fortin, Esq., who promised to send me to the place. As Mr. Fortin was very busy preparing for his departure, he forgot, I suppose, to notify me.

*19th November.*—Returning to Beaumont, I went to Mr. McIntyre's for his fishing license. He would not take his license for the fishery which he occupies in the front of the property of Mrs. Widow Amable Dupuis, but Mrs. Dupuis took it out in his name. That fishing ground was let by lease to Mr. McIntyre by Mde. Dupuis, but for several years he has refused to pay the rent; Mde. Dupuis, therefore, desires in future to keep the license herself in her own name, that she may either carry on the fishery herself or let it to some one else. I notified Mr. McIntyre of the fact in writing, but he has not since sent me any reply. I presume that he will not offer any opposition.

*20th November.*—I went to Mr. Paquet's residence to investigate a dispute which had arisen between him and his neighbor, and in consequence of which two fisheries had been this year set one behind the other. Preparations were being made to set two new ones next year near the old ones, and the foundations had even been laid this autumn. I notified those individuals that the Department would not allow them to proceed with the works in question.

Mr. Florent Turgeon, who paid for his fishing license, he having set a fishery on shares with Mr. Paquet, refuses to allow Mr. Paquet to fish on the frontage of his property in future, saying that he has children who are now able to assist him, and Mr. Paquet proposes to continue. I wish for instructions from the Department as to how this dispute is to be decided; whether Mr. Paquet is to be excluded from the fishery, or whether Mr. Turgeon and he are to continue to hold it together.

I continued on to St. Michel, where I slept. Mr. Pierre Dugal is desirous of occupying, next spring, Pointe à Bouchard, St. Valier, for the purpose of setting up a large fishery on the plan of that belonging to the Ruellands. I told him that I was of opinion that it would be better not to allow of any great expenditure there for some years to come, as our fisheries were not yet sufficiently improved, but that his application would be referred to the Department, and I therefore report it.

*21st November.*—I left St. Michel by rail for St. Thomas; engaged at the office.

*22nd November.*—At Montmagny, writing with my assistant.

*23rd November.*—I went to St. Pierre to examine the salmon spawn, which I found in good condition. Returned.

*24th November.*—Sunday, at Montmagny.

*25th, 26th, 27th, 28th, 29th and 30th November.*—At the office.

*1st, 2nd and 3rd December.*—At St. Thomas.

*4th December.*—I left St. Thomas with my man on a visit to the lakes; we slept at St. Anne.

*5th December.*—I proceeded to Little and Great St. Anne Lakes, distant nearly twenty-five miles; I here found Joseph Beaulieu, senior, and Joseph Beaulieu, junior, fishing. They at once drew in their lines, saying that they had caught nothing. I searched the woods, the snow and the sides of the road and found three dozen trout in one place, and four dozen in another. The Beaulieus acknowledged that part belonged to them and part to some hunters; whose names they would not give. These hunters, three in number, occupied the same camp. I condemned the Beaulieus to pay a fine of \$10 each and \$1 for the two judgment stamps. Neither paid, but I shall settle with them at a later date when I shall prosecute them for other infractions of the law. I gather from information received that several have fished this autumn. Four persons had gone higher up; I supposed they were at Great Trout Lake.

*6th December.*—I sent my man back with the vehicle, and went on myself with my guide to Great Trout Lake.

*7th December.*—My guide could not find the Lake, and we slept without shelter. Perceiving that the expedition had failed, and my man being seriously ill, I decided to turn back in order to reach Père Corneille's Lake, there to pass the night; but the hotel not being a comfortable one, and my guide being better, we went on to the Taché road where we arrived at 11 at night and passed another very bad night.

*8th December.*—Sunday; my guide having decided to go to Lake St. Anne to rest himself, I went on alone to St. Anne. At the first house I was informed that the four

men whom I was seeking had gone on to the East Lake. Being without clothes, and one of my feet being sprained, I had to return to St. Thomas.

9th December.—From St. Anne to Montmagny.

10th December.—Busy at the office for the Department.

11th December.—I left Montmagny to go to Lake St. Simon, having been sent for by Thomas Charette, who said that he was unable to control the people and that there was a large quantity of trout to be confiscated. On the way I left my man at St. Anne to get a guide to take him to East Lake, and went on to River du Loup.

12th December.—From River du Loup to Trois Pistoles.

13th December.—Having sent a carriage for Thomas Charette, he came to me and communicated to me vague and unfounded information, based on hearsay, stating that he had not chosen to stir in the matter lest he should make enemies. As I urged him strenuously, he told me that he would take me to a place where there was trout, but that I could not get it without opposition. I took another vehicle with a bailiff and proceeded to Lake St. Simon to examine the buildings. Nobody offered any opposition to my search, but I found nothing. I went on to Lake St. Fabien, but it was too late to go to Lake Malobès and I slept at St. Simon. It is my opinion that several have fished, but it is very difficult to get evidence. I know of none but Joseph Berger who could give information, as he resides near the principal spawning ground for trout; but he will say nothing, unless he is authorized by the Department to superintend the Lake. He is a day laborer and never fishes; he will not run the risk of making enemies without remuneration. I think he is an honest man.

14th December.—In consequence of information received during my journey, I resolved to prosecute John Doris, the son of the miller. The action is returnable on the morning of the 16th.

15th December.—Sunday; having heard that my principal witness had been attacked by a fever, and that the doctor had been called during the night, I withdrew my action after notifying the defendant of the fact.

16th December.—I left Trois Pistoles for River du Loup.

17th December.—River du Loup to Montmagny.

18th and 19th December.—Private business.

20th to 26th December.—Engaged about statistics and other business of the Department.

26th to 31st December.—Private business.

#### REMARKS.

Information was received that several persons had taken salmon in their fisheries and had concealed it, to avoid paying for license. I shall attend to this during the approaching fishing season.

Thirty-seven salmon were taken with the fly in the Rimouski River this year.

The quantity of cod taken below Matane will be found mentioned in the statistics of the officer commanding *La Canadienne*.

The herring taken this year was nearly all caught in the autumn.

The yield of the sardine fishery has been abundant.

A large quantity of that fish was lost from the neglect of the fishermen to cut down their fisheries, when they were abandoned on the 15th October. The sardine is then leaner and smaller. When the water is cold the fish is benumbed, and does not endeavor to pass through the escape net of the fishery, and it is also very difficult to keep these in order at that time.

I would suggest that every fisherman should be compelled by law to cut down his fishery when he no longer intends to visit it, for last year and this year many sardines were frozen into the ice; and in several places the ice was cut in the warrens of partially destroyed fisheries, and quantities of sardines were taken there. Notwithstanding the bad state of the fishery, the fish is destroyed in it without benefiting any one.

I have the honor to be, Sir,

Your obedient servant,

ALFRED BLAIS.

*Fishery Officer.*

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# RETURN

To an Address of the Senate, dated 23rd March, 1863 ; for Copies of the Annual Report of the Stipendiary Magistrate in charge of the Government Schooner for the protection of the Fisheries in the Gulf of St. Lawrence ; also for Copies of any Reports made under the direction of the Minister of Marine and Fisheries, on the Fisheries of the Dominion ; together with copies of any Special Reports made under the same direction, on the subject of the failure of the Fisheries and the distress existing among the Fishermen of Nova Scotia and parts of the coast of Labrador.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 31st March, 1868.

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FISHERIES BRANCH,

Ottawa, 28th March, 1868.

SIR,—I have the honor to enclose a partial Return to an Address of the Senate, dated

P. Fortin's Report, 1867.

T. Tetu's Report, 1867.

W. H. Venning's Report.

P. Miller's Report.

W. H. Johnston's General Report.

W. H. Johnston's Special Report.

23rd instant, for reports relative to the fisheries and distress existing among the fishermen of Nova Scotia and part of the coast of Labrador.

I have the honor to be, Sir,

Your obedient servant,

P. MITCHELL,

*Minister of Marine and Fisheries.*

The Honorable the Secretary of State,  
Ottawa.

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# REPORT

BY

## PIERRE FORTIN, ESQ.,

OF THE

CRUISE OF "LA CANADIENNE," IN THE GULF OF ST. LAWRENCE,  
FOR THE PROTECTION OF THE FISHERIES, FROM THE OPENING OF THE NAVIGATION TO THE FIRST OF SEPTEMBER, ON WHICH DAY THE COMMAND OF THE EXPEDITION WAS GIVEN OVER, BY ORDER OF THE MINISTER OF MARINE AND FISHERIES, TO THÉOPHILE TÊTU, ESQ.,

TO THE MINISTER OF MARINE AND FISHERIES :

SIR,—I have the honor to submit to you the following Report of the cruise of *La Canadienne* in the Gulf of St. Lawrence, from the opening of navigation to the 1st of September, on which day you were pleased to accept my resignation of the appointment of Commander of the expedition for the protection of the Fisheries, which I had held since 1855, and to cause me to be replaced by Théophile Tétu, Esquire.

This Report refers, it is true, to not quite four months of active service, but this cruise has been one of the most busy and successful ones I have ever made in the Gulf of St. Lawrence, as it has been completed without any serious accident, and we have visited, besides the coasts of the late Province of Canada, several ports in New Brunswick, Nova Scotia and Prince Edward Island ; and I think I should be wanting to my duty if I omitted to acknowledge the kind and cordial reception given in those places to the officers and seamen of *La Canadienne*.

I have the honor to be, Sir,

Your very obedient servant,

PIERRE FORTIN.

### REPORT.

The repairs that had to be made to *La Canadienne*, by order of the Department, to put her in condition to go to sea again, were carried on with all possible care and speed ; and in spite of the cold and of the bad weather in the latter part of April, we should have been ready to leave Quebec about the 12th of May ; but the east wind which had been blowing for some weeks, instead of moderating as might have been expected, increased in violence, and continued for another week more to blow from seaward. It was useless to think of sailing in such unfavorable weather.

At last, on the 19th, there was a show of change of wind to the westward, and we



hastened to set sail ; but we had not gone many leagues from Quebec before the wind came round to the east again, and we had nothing but head winds, so to speak, as far as Rimouski, where we arrived on the 21st.

That same day I visited Messrs. Price's saw mill on the River Rimouski, in company with the agent, Mr. Luc Sylvain, and I was very well satisfied with the arrangements which that gentleman had made for collecting the sawdust from below the vertical and circular saws, and preventing it from falling into the water: The boxes which surround the cranks are very strongly built, and serve well the purpose for which they are made. They gather up almost all the sawdust from this mill, and what unavoidably falls into the water is very trifling in quantity and cannot injure the river.

Mr. Sylvain certainly deserves credit for having thus complied with the law, in so willing a spirit, and for having obtained such satisfactory practical results with his apparatus for catching sawdust ; but, on the other hand, it must be admitted, that it is no slight or moderately expensive task thus to collect heaps of sawdust, at a rate that cannot be reckoned at less than 200 barrels a day.

This sawdust must be collected from under all the saws, and carried in wheel-barrows to a certain distance from the mill ; for, without that, it would, by accumulating, impede and obstruct traffic and cartage round about the mill.

I ascertained, during this visit, that the fishway which had been placed on the mill-dam some years before had been carried away by the ice this spring, and that very expensive repairs would be necessary in order to put it into working order again. I examined the river very carefully, and collected a great deal of information from disinterested persons who know this river, above as well as below the mill ; and all that I saw and heard only served to confirm the opinion I had already formed upon the subject of the spawning beds of this river, to the effect that there are not any above the mill-dam, but that, on the other hand, there are some very good ones in the north channel and in the middle channel of this river, below the said dam.

Mr. Luc Sylvain, who is a very reliable person, estimates the number of salmon that spawned in those two channels last year at not less than a hundred ; and he has since been able to verify his estimate by frequent observations made last autumn through the new ice, which being transparent, as is well known, admitted of his not only counting the fish, but also seeing them on the spawning beds, in the act of protecting the ova from the well-known voracity of the trout.

The River Rimouski has certainly been very effectively protected for some years past, and it is in a fair way to be new stocked with the kind of fish that formerly frequented it ; and these good results are partly due to Mr. Sylvain, who, being the lessee of that river for fly-fishing, is interested in preventing any fishing prohibited by law from being carried on there.

The spring had been so cold and backward, and the north-easterly storms so violent, that herring had only just appeared when we arrived at Rimouski, but it had come in such numbers that one thousand barrels had already been taken.

As for shad, only a small quantity had been seen as yet.

On the 22nd we sailed from Rimouski with an east wind, which soon changed into a violent storm, and we were obliged to bring to under the lee of Barnaby Island, after having had our jib-boom broken.

On the morning of the 25th we set sail again, with a light westerly breeze, and on the following morning we anchored off Pointe des Monts.

On that day I saw Mr Comeau, the Fishery Overseer for that part of the coast, and delivered to him the letters and papers addressed to him from the Department.

I settled my accounts with that officer and arranged all the affairs connected with his duty ; and, after having put on board of a schooner bound for the River Moisie the Fishery Overseer for that locality, we sailed for Cape Chat on the morning of the 27th.

I appointed a Fishery Overseer for that river, in pursuance of orders from the Department ; and, after having made arrangements with Mr. Louis Roy for the construction of a fishway at the Messrs. Price's mill-dam, in case those gentlemen should not themselves cause one to be constructed, I went to Ste. Anne des Monts, where I also placed a Fishery Overseer.

The instructions I gave to these Fishery Overseers were, so to speak, copies of those I

had myself received from the Department on the subject of River Fisheries ; I enjoined them especially to watch over the spawning beds, and to prevent fishing by torch-light.

Herring had appeared on the 28th of April, and the codfishing had only just begun. As to caplin, none had yet been seen on the coast.

That night we sailed from Ste Anne des Monts, and the next morning we arrived at Fox River, which I visited, as well as Cape Rosiers and Grande Grève, and in the evening we got to Gaspé Basin.

Nothing remarkable had happened on that coast. The spring was backward and the cod-fishery but indifferent. Herring, on the contrary, had been abundant, and a comparatively large quantity had been salted for use in winter.

Complaints were made on all sides of the scarcity of seed grain and potatoes, and I regret very much to have to record in this Report the fact, that several pieces of land were left unsown in consequence, and that fears were entertained of sufferings from want in the ensuing winter, even greater than in the winter which has just ended. (And that is what, unfortunately, did happen.)

There was only seven vessels, as yet, in the port of Gaspé.

On the 29th and 30th, I was employed in granting licenses for the salmon fishing stations in Gaspé Bay and the rivers which discharge into it.

Salmon fishing, which had been begun for about a week, was yielding moderate returns. Mr. Joseph Eden, Jr., the Fishery Overseer for this division, had no contravention of the Fisheries Act to report.

Mr. Lowndes, the lessee of the North-west Arm, had had three keepers on that stream the year before, and it did not appear that any salmon had been speared there. He proposed if the Government would assist him in that useful enterprise, to blow up the rocks which cause the falls on that river, and thus remove an insurmountable obstacle to the ascent of salmon into the upper parts of the river and into its tributaries.

There is no doubt that if those obstacles were once removed, the re-stocking of that river would take place on a scale so much larger than the present, that the result would be most satisfactory ; and this would more than compensate for the expenditure by the Government of a few hundred dollars in these indispensable works.

On the 30th I went in the schooner to Douglstown to grant fishing licenses. Salmon fishing was then only beginning at that place.

In Gaspé Bay, cod-fishing had been but indifferent until then, although bait in the shape of herrings was sufficiently abundant there.

In the afternoon I visited Point St. Peter and Malbaie, and found all well at both places.

I gave fishing licenses for the *Barachois* and *Coin du Banc*. Salmon fishers were succeeding pretty well in those places.

On the 2nd of June, in the morning, we arrived at Percé. I visited the fishing establishments in that place, and found everything in good order.

I ascertained that cod had made its appearance on that part of the coast about the 1st of June, and that there was plenty of it. The catch of this fish had been better up to this time, than that of the year before. Herring, for bait, was also easy to obtain.

Towards evening we set sail for the Magdalen Island. At about thirty miles from land we encountered a violent storm, which compelled us to change our course, and the next day we came to anchor at Paspébiac.

We found there fourteen vessels of different sizes, belonging to the fishing establishments of Robin & Co., and of LeBouthillier and Brothers. Some had brought fishing-tackle from Europe, while others were taking in cargoes of dry codfish for Brazil and the West Indies.

There had been a considerable quantity of caplin on the bank of Paspébiac this year, and it was computed that more than 1,000 barrels had been taken, for the purpose of being used as manure.

On the Banks of Newfoundland also a good deal had been caught for the same purpose.

The cod fishing, which was only beginning on this part of the coast, was but indifferent.

On the 4th, we took advantage of a good breeze from the west and set sail for the Magdalen Islands and on the following day we anchored off Entry Island. On the 6th

we went and anchored off Amherst Island, where there were then twenty schooners, thirteen of which were equipped for the mackerel fishery.

In the afternoon I had a landmark placed in Pleasant Bay, to indicate the portions of that bay which should be left open, under the fishery regulations; and at the same time I caused those regulations to be posted up in all directions, in order that they might be known to fishermen who were strangers in the Province.

During the visits that I made in this bay, I found, it is true, some nets spread in the neighborhood of the line of demarcation between the waters in which fishing was allowed and those in which it was not; but as those nets had been placed there more through ignorance than from any other cause, and as the owners of those nets, on being warned, hastened to remove them, I did not deem it my duty to take proceedings against any of them.

During my stay at the Magdalen Islands, which was prolonged to the 15th, I kept a vigilant watch over the fishermen, and found that all went well.

During the month of March, large icebergs, covered with young seals, had grounded near the west and north-west coasts of these Islands, and the inhabitants, taking advantage of this great God-send, had gone there and secured a large number of those young amphibious animals.

It is computed that at least 7,000 were killed in the space of a very few days only.

As for the vessels which had been to fish for seals among the ice in the Gulf, they had not been so fortunate, and had only brought back the spoils of 3,210 of these animals.

The herring fishery, on the contrary, had been very productive in Pleasant Bay, and it was calculated that 11,820 barrels had been taken by vessels from Nova Scotia, and 2,300 barrels by the inhabitants. Besides which nineteen schooners from the United States had taken 13,600 barrels. This number of American schooners is greater than that of previous years, as may be seen by my Reports.

This fish had made its appearance in Pleasant Bay on the 7th of May, and been very numerous there. It must be said also, that the weather had been very favorable for this kind of fishing, and that the fishermen had known how to take advantage of that circumstance.

When we left Pleasant Bay, mackerel, which had made its appearance there some days before, was still to be found there in great numbers, and there was every appearance that mackerel fishing would be good there.

Codfish had been late in showing itself in these quarters, and cod fishing was not productive.

In the night of the 14th we left the Magdalen Islands, and the next day, being off Miscou, we had to anchor in a calm, and remained at anchor until the day after, when we set sail for Maria, where we arrived the following night.

Early in the morning of the 7th I landed at this place, and with the assistance of my officers I measured all the salmon fishing stations, for the purpose of ascertaining exactly their length and the distance there was between them; and I had the honor to transmit to the Honorable A. Campbell a special Report, in which all these measurements were recorded; but I may say here, that none of these stations were of the length they were estimated by the fishermen of the River Cascapedia, as appears by their petition of the 20th of March, last. And, according to the information supplied by Mr. Cook, the Fishery Overseer of this District, these fisheries were, as well as he could judge, of the same length as in past years.

Finding matters in this state, I did not deem it necessary to cause any of these stations to be shortened, particularly as the water is deeper opposite the coast of Maria, and that if the fishermen do not carry out their nets to a considerable distance they will be sure not to catch any salmon, for at low tide there are only from four to nine feet of water at the end of each of those nets, as I ascertained myself.

In the afternoon I went to Carleton on business connected with the salmon fishery, and the next day I visited New Richmond.

At the house of Mr. Dimock, the Fishery Overseer of this place, I met most of the fishermen of the River Cascapedia, whom I furnished with the results of the measurements I had made at Maria.

They were surprised at them, and admitted that they had been deceived by appear-

ances, for none of them had ever measured the fisheries at Maria, and at last, as none of them doubted the accuracy of my measurements, they declared themselves satisfied with the manner in which the nets were spread at Maria. Thus this affair was settled in a way that was satisfactory to both parties.

Mr. Dimock reported to me that three persons had commenced the erection of brush weirs in New Richmond Bay, but had afterwards destroyed them when he had forbidden them to continue their work and had threatened them with a prosecution.

The salmon fishers seemed to be making a good catch in the River Cascapediac, while those of Maria were not succeeding so well as the year before; and that was owing, it was said, to the fine weather and the absence of easterly wind. The water on the beach at Maria had remained so clear in consequence that the salmon could see the nets from far off, and so escape all those snares spread in their way to the River Cascapediac, the limit of their peregrinations by sea.

There was at Maria this year an establishment for pickling salmon, where it was expected that at least 30,000 would be put up. It was a great advantage to the fishermen, who thus found a ready sale for their fish; and, moreover, received ready money for them.

It were to be wished that there should be many establishments of this kind on the coast, not only for salmon, but for lobsters and flounders. The fishermen and the trade of Canada would gain much by it, to say nothing of that kind of work giving employment to a good number of tinsmiths and others.

It was reported that the fishing was poor at Carleton, while at Meguacha and in the River Ristigouche it was very good.

We left Richmond on the 18th, in the evening, and the next day we anchored at Paspébiac.

Since our last visit to this place a vessel had sailed from it for Barbadoes with dried fish, herring and shingles, and was to be followed by many, whose cargoes were being completed.

On the 21st, we went to Port Daniel, and Mr. Phelan, the Fishery Overseer of that District, reported to me that all was well there. Salmon fishing had begun most favorably, and results even more favorable than those of last year were expected. The cod fishery, on the other hand, was only moderately successful.

The same day I visited the River Grand Pabos and the Pabos Portage, and at the latter place I met the fishery Overseer for this locality, Mr. Nazaire Dupuis.

That officer reported to me that a few days after he received his letter of appointment he saw a caplin boat seining at the mouth of Grand Pabos River, and that thinking the act was illegal he had seized the boat and the seine, but that on reflection, not feeling sure that he was authorized by law to act as he had done in a summary manner, he had decided upon releasing the boat and the seine; and he asked whether, in my opinion, what he had done was justifiable or not?

I answered him that I saw nothing in the Fisheries Act which declared that it was illegal to take trout either in nets or with a seine in water where the tide is felt, as in the case at the entrance of the River Pabos; but that before giving him a final answer on the subject, I would like to refer to the Government, and await your decision as to the true meaning of the 13th section of the Fisheries Act.

As the trout fisheries in the estuaries of rivers have already attracted the attention of the fishermen and other inhabitants of our sea coasts, I will take the liberty of submitting to you some consideration on the subject, which are certainly not without importance.

I do not think that fishing for trout with seines or other non-prohibited engines can injure our fisheries at all, provided such fishing be carried on in waters in which the tide is felt, and at seasons when it is allowed by law.

It is well known that trout multiply with great rapidity, and that they are among the most inveterate enemies of the salmon, and it appears to me that any lawful mode of taking them should be encouraged rather than repressed; and I am not alone in the expression of this opinion. Many fishermen who have had it in their power to study the habits of trout profess the same opinion that I do on the subject.

I submit these considerations to you in the expectation that you will be pleased to send me instructions which will serve to guide me, as well as the Fishery Overseers in this matter, and in others of a similar nature.

On the 22nd, in the morning, we went and anchored off Grand River. Mr. Simon Beaudin, the Fishery Overseer at this place, furnished me with the following information on the subject of the fisheries which are carried on here.

The salmon nets were spread as usual in the river, but as the high water in the spring had partly filled up the principal channel with gravel, and had opened others, and that is this way the course of the river had become changed in several places, it followed that several of the nets occupied a little more of the channel than the law allowed.

Mr. Hémon, the Fishery Overseer of this District, had not yet visited this river, and the Local Overseer had not yet thought it his duty to cause these nets to be removed.

I examined the locality at low tide; I took the necessary soundings and measurements, and I satisfied myself that as for the first nets they wanted but a few feet of having been set in conformity with the most strict requirements of the law, and I had them set right at once. The infraction of the law in the case of these nets was so slight, and the fishermen who owned them showed such good faith, that I did not deem it my duty to fine them.

As for Mr. Simon Beaudin's nets, I represented to him that, being a Fishery Overseer, he could not be a salmon fisher at the same time; and for that reason he consented to take up his nets and to give up his fishery. By this means the river became quite free from nets above the bridge.

Mr. Beaudin certainly deserves praise for this act of disinterestedness, and I deem it my duty to draw the attention of the Government to it.

The next station belonged to a poor widow of eighty-nine years of age, Madane J. B. Beaudin. To have fined her because, during some ten days, her nets had been spread not quite in accordance with the requirements of the law, and to have confiscated her net and fish, would have been equivalent to depriving her of the means of subsistence; therefore I thought it right to make use of the discretionary powers intrusted to every Justice of the Peace in such cases, and limited myself for this time, to warning her that if she were guilty of a like offence another time, no excuse that she could make would prevent the law from taking its course.

On complaint made by Mr. Beaudin, a salmon fisher at that river was fined for not raising his nets on a Sunday, and the salmon he had taken on that day and his nets were confiscated.

On the 24th, in the afternoon, I went to Cape Cove, and at night we anchored off Percé.

The cod fishery was but indifferent at all these places.

On my arrival at Percé I learned that the Steamer *North American*, Captain Kerr, having on board more than three hundred passengers, was ashore near the South Point of the Island of Anticosti, and deeming it my duty to go to their assistance, I gave orders to weigh anchor immediately and to set sail for the scene of the shipwreck. Unfortunately it was a calm night, and we made no progress until the next morning. On the 26th in the evening we reached the spot where the unfortunate steamer lay, and I went and offered my services to the Captain.

The passengers were all on shore, more or less well camped, and the crew had remained on board of the vessel. Happily, there had been no loss of life, and as the weather was very fine, there had not yet been much suffering among those passengers, among whom were several women and children.

Towards evening the Steamer *Napoleon the Third* fortunately made her appearance, and Captain Gourdeau consented to change his course, and instead of proceeding to the light-house at the East Point of Anticosti, to convey the *North American's* mails and \$200,000 in specie to Gaspé, whence the Steamer *Lady Head* would take them to Father Point, to be there put on board the steamer for England.

I saw several schooners and a good number of fishing boats near the wreck, but while we were there no act of Pillage was committed.

I sent my chief officer in the long boat to cruise along the coast, and by that means I ascertained that everything was in order.

Then I placed myself at the disposal of the Captain of the steamer and assisted him in every way I could in the unhappy circumstances in which he was placed. But the chief assistance had to come from Quebec; the passengers had already been on shore for

ten days, and were anxiously expecting the steamer which was to come and rescue them from their unhappy position and take them to their destination; but the steamer so much hoped for by these hundreds of persons did not appear.

Captain Kerr, fearing that the first despatch he had sent had not arrived in time, and being desiring also of transmitting more recent intelligence, as well respecting the position of the ship-wrecked persons, which was becoming more and more sad from day to day, as concerning the state of the ship, he intrusted me with a telegraphic despatch for his owners.

I hastened to give order to set sail, on the evening of the 27th, for Percé, where we arrived the next evening. From that place I sent a special messenger, with Captain Kerr's despatch, to Dalhousie, the place nearest to Percé, at which there was a telegraph station, and distant about 110 miles.

I learned with great pleasure that the cod fishery had been profitable at Percé, and the neighboring stations, for some time.

At Point St. Peter also it produced good results. In the Bay, it was but indifferent. On the 30th we came to Gaspé Basin. The Salmon fishery had become more profitable since our last visit to this place, and the case was the same at all the stations in Gaspé Bay.

On the second of July, I visited Griffin's Cove and Fox River. The most perfect quiet reigned at these ports, and no foreign vessel had yet been seen there.

But the cod fishery had been indifferent until then. Nevertheless, cod seemed to have become a little more plenty within the last few days.

On the morning of the 5th, we left Gaspé Basin, and after having touched at Grande Grève, as we passed, we proceeded to Jupiter River, on the Island of Anticosti, where we arrived that night. I visited that river at once and found all well there. The fishing was good.

The next morning, I visited the South West Point, and there I appointed Captain Salter, Fishery Overseer for the Island of Anticosti. I am told he is an intelligent man, and quite capable of discharging the duties of his office, which will be arduous, as the Island has nearly two hundred miles of coast, and the rivers in which salmon fishing is carried on are distant from each other.

The cod fishery was reported to be good in these quarters, but better on the North shore of the Island than on the South. The ten boats that were fishing at South West Point had about twenty hundred weight each.

At 9.35 A.M., we sailed for the North Shore.

At 3.35 P.M., we doubled the West Point of the Island, and that evening we anchored in Mingan Harbour.

The Fishery Overseer of the division informed me that all was well. There had not been any violation of the law there.

Salmon appeared to be abundant in all the rivers.

On the 8th, I visited Long Point; and on the 9th, the River St. John.

Salmon was abundant in this river, also, and in the neighbouring stations. The cod fishery, on the contrary, was yielding but indifferent returns.

At Thunder River and at Magpie Bay, cod abounded, it was said, and there had been excellent fishing for some days.

At the River St. John I arrested a sailor who had deserted from the steamer *Labrador*, which we had left at Mingan, and the same day I had him taken on board of his vessel. Soon afterwards we left for Esquimaux Point where we arrived a little before night.

At this port I received the following important information respecting the fishing:—

Thirteen schooners from this port had been out seal fishing this spring, and had killed 4,448 in all. The most successful had killed 591, and others from 83 to 424.

That was doing pretty well, and four of those schooners had also been fishing for herring on the North coast of Anticosti, and had brought back 960 barrels of that fish.

Since then all those vessels had gone to fish for cod on the coast of Labrador.

About 8.30 P.M., we set sail again, and in the afternoon of the next day I visited Watsheeshoo. All was well there. Salmon was abundant in that river, and in the neighboring rivers.

At Nabisippi, also, where we came to in the evening, all was well.

On the following day, the 11th, we arrived at Natashquan. Mr. Sylvestre, the Fishery Overseer of that Division, was at his post. In one of his rounds he had confiscated several salmon nets for contravention of the law.

There were a good many Indians at Natashquan, and I took advantage of that circumstance to assemble them and explain to them different clauses of the Fisheries Act, which more especially relate to the salmon fishery.

I told them particularly that they were forbidden to spear salmon, more especially in the vicinity of falls and rapids and on spawning beds.

As for taking them for food for themselves and their families, when they were without provisions in their annual voyages from the sea shore towards the interior, the Department did not wish to forbid them from so doing, provided they only took what was absolutely necessary for them.

They answered me, through their chief, that they had understood what I had said, and would conform to the law. They added, that if they should be obliged to spear salmon for food, they would use caution and discretion in so doing.

Another subject that occupied my attention during this visit to Natashquan was that of fires in the woods.

For some years fires had been seen frequently in the woods along the north shore, which were already rather too open; and it was not known whether these disasters were to be attributed to accident or whether they resulted from ill-will on the part of Indians against white men.

Some time before our arrival at Natashquan there had been a destructive fire in the woods in rear of Little Natashquan, and some Indians were accused of causing it.

I had the suspected individuals brought before me, but there was no proof to establish their guilt. They made some admissions, however. It was by accident, they said, that the fire had spread from their camp in the forest; and they ought not to be held responsible for the consequences of that accident.

I cautioned them against such acts of carelessness, pointing out to them that if any were to suffer from the destruction of the forests by fire it would be themselves, who derived the greatest part of their means of subsistence from game and fur-bearing animals that inhabited those forests.

They promised to be more careful about their fires in future; and I let them go.

The River Natashquan was full of salmon. The cod fishery was bad. Some thirty Canadian and Nova Scotian schooners had come to Natashquan for the cod fishery; but, not finding it good enough, they had soon left this place and gone further east.

I cannot close these remarks about Natashquan without bringing to the knowledge of Government the many and signal services rendered by Captain De LaPerrelle, of Natashquan Harbor, to the Fishery Overseer, Mr. Sylvestre.

This gentleman, who is one of the proprietors of a considerable fishing establishment, not only showed himself prompt to submit to all the requirements of the Fisheries Act, but, also, often placed his whale-boat at Mr. Sylvestre's disposal; and, on several occasions, he had that officer conveyed to neighboring ports, without requiring any remuneration. Mr. De LaPerrelle certainly deserves praises and thanks for the politeness and consideration he has always shown to all the officers concerned in the protection of the fisheries, who have visited Natashquan.

On the 12th, in the evening, we left this Station, and the next day we arrived at Meccatina.

From that place I continued along the North Shore as far as Blanc Sablons, stopping at all the principal places, as may be seen by the extracts from the log-book, and granting Fishing Licences wherever it was necessary to do so.

There we met twelve schooners, nine of which were from Esquimaux Point; one from Nova Scotia, and two from Newfoundland; in the Harbor at Sheep Bay five, four of which were from the Magdalen Islands, and the other from Nova Scotia; in Blanc Sablon Bay forty vessels, one of which was a brig, one was a brigantine, and thirty-eight were fishing schooners. Of these last, five were from Newfoundland, one was from the Magdalen Islands, and the others came from Nova Scotia; at Green Island, thirty-two fishing schooners, twenty-seven of which belonged to different ports in Nova Scotia; one was from

Newfoundland, and four were from Saint Pierre; in Bradore Bay, one schooner, from Newfoundland.

My having met so few schooners in the harbors of this part of the coast was a proof that the cod fishery had not been satisfactory. There were plenty of those fish at some points on the coast, but they would not take the bait; and the disheartened fishermen had gone to seek their fortunes further on in the Strait of Belle-Isle.

I must, however, except certain places, such as Wood Island and Green Island, where, for some weeks, the fishing had been good; but these were the exceptions.

As to salmon fishing, it was much better than it had been in the preceding years; and there was every reason to hope that the yield would be very abundant.

At Green Island, I found several French schooners employed in fishing for cod in our waters, and, on the complaint of some British fishermen, I compelled the masters of those schooners to leave off fishing, and quit our coast, which they did within a reasonable delay.

During this visit to the North Shore, I had had but few matters to settle, and few prosecutions to make; and the greatest quiet had prevailed on the coast.

At St. Augustine, in obedience to orders from the Department, I had named Mr. Matthew Kennedy, Fishery Overseer, for a certain extent of coast; and I do not doubt that this gentleman, who knows all these places well, will render service to the cause of the salmon fisheries.

On the 21st, in the evening, we left Bonne Espérance, with a fresh breeze from the east, and on the 24th, in the morning, we arrived at Percé. I found everything in order at this place. The cod fishing was pretty good there, as well as at the Stations in the neighborhood; but it was reported to be very bad on the South Shore of the St. Lawrence, from Fox River upwards, as far as Matane. We came to Gaspé Basin on the 25th. In the post office, in this port, I found a letter, directing me to repair without delay to the Port of Miramichi, to take orders from you in your capacity of Minister of Marine and Fisheries, for the Dominion of Canada. I need not add that I hastened to obey these instructions; and that same evening we sailed for our new destination, and, in spite of contrary winds during the whole voyage, we arrived at the mouth of the River Miramichi on the evening of the 27th, and on the 28th we anchored off Chatham.

On our arrival, I went, without losing a moment, to place myself under your orders and receive the instructions you might be pleased to give me.

You were pleased, Sir, to honor *La Canadienne* with your presence at Chatham as well as at Newcastle, whither we went on the 31st, and all the honors due to your high rank were paid to you by all on board with pleasure and alacrity, on the occasion of each of these visits; and the officers and seamen were glad to have this opportunity of showing to you by all the means in their power, the sincere feelings of profound respect which they entertain for you, and the very great pleasure given to them by the friendly words with which you were pleased to receive us during this visit to the banks of the magnificent River Miramichi.

And I cannot leave this subject without expressing, on behalf of my officers and crew as well as for myself, feelings of the liveliest gratitude for the magnificent and truly brotherly reception given to us by the people of Chatham, Newcastle and neighboring places, of which we shall preserve a most agreeable recollection.

The accomplishment, under such happy auspice, of this visit of *La Canadienne* to those parts of the Dominion of Canada where that armed Government vessel had been previously unknown, constitutes a strong proof of a friendly feeling between the people of the different Provinces.

On the voyage from Gaspé to Miramichi, we met several American schooners fishing for mackerel, but they were all outside of British waters.

The beautiful River Miramichi, which I need not describe because it is well known, abounded in salmon that year, and the quantity that had already been packed in a fresh state in tin boxes, was enormous.

This branch of industry, which is nowhere better known than at Miramichi, is very important and very profitable. It gives employment to a number of workmen, and furnishes a valuable article of export to Great Britain.

From what I could see myself of the River Miramichi, and from all the information



I received on the subject, I came to the conclusion that this river is fished to excess, not only with nets, but also with spears by torch light.

There are, it is true, regulations forbidding the taking of salmon by this last method, but they are not enforced for want of a sufficient number of fishery overseers paid by the Government for that purpose.

No one doubts that a good system of protection is highly necessary for this River, as well as for other rivers in New Brunswick; for however full of fish it may be, and however attractive its clear waters and shady banks may be to salmon, and whatever may be the advantages for the multiplication of this precious species afforded by its long course and numerous tributaries, still it is no less true that this kind of fish will greatly diminish if a stop is not put to the present too great destruction of it.

I need not enlarge on this subject: I know that it has engaged your attention for a long time.

There are important cod fisheries along the coast of New Brunswick from Escumencac Point to Miscou. They include the stations of Tabisenta, Pocmouche, Tracadie, Shipigan and Miscou. It is off this latter station that the famous banks of the same name lie.

Cod had been rather plenty in these quarters at the beginning of the season, but towards summer it became scarce, and the yield of that fishery diminished in consequence.

These coasts of New Brunswick are inhabited by a robust and vigorous race of fishermen and mariners, who could, I am sure, prosecute the cod fishery on the banks, and the mackerel fishery in schooners as well as the American fishermen, and I do not doubt that they would make good gains in that branch of industry. But, unfortunately, means are wanting to them, as well as to the fishermen of Lower Canada, so they cannot fit themselves out properly, and that is the only reason why fishing as a branch of industry has not in those Provinces assumed all the scope and development of which it is susceptible.

It is to be hoped that the encouragement which will be given to this important branch of national industry by the new Government, will have the effect of changing this state of things, and of placing our fishermen in a better position for turning to account the immense resources which we possess along our coast.

I do not speak of lumbering in the almost inexhaustible forests bordering on the branches and tributaries of the River Miramichi, of the considerable trade to which it gives rise, of the numerous saw mills and ship-yards that one sees in the neighborhood of Chatham and Newcastle. The ships built at Miramichi have long had a high reputation, as well as those built at the City of St. John, the commercial capital of the new Province, and I have had means of judging for myself, that this reputation which they enjoy is not undeserved.

Agriculture also has made great progress in this part of the new Dominion of Canada, and I might point to some farms that are in no respect inferior to the best one sees in the Province of Quebec, or in that of Ontario.

On the 3rd of August, in obedience to your orders, I left Chatham; that night we had to anchor in a calm at the mouth of the river, but the next day, favored as we were by a fresh breeze from the south-west, we made the Magdalen Islands and anchored at the Basin, in Amherst Island.

My first intention had been to touch at Cascumpee Bay, in the hope of there meeting with the American fleet of mackerel fishers, but when we were off that place we saw that there were but a few vessels there, and we therefore passed by, expecting to find the bulk of that fleet at the Magdalen Islands, as we did the following day. We counted more than 200 leaving their anchorage off Entry Island, most of which after doubling the west point of Amherst Island bore away towards the north-north-west in search of shoals of mackerel.

Deeming the opportunity a favorable one, we got under way for the purpose of following this fleet in order to make the presence of *La Canadienne* in the waters of the Magdalen Islands known to all the men on board of it, and also to try our speed against that of these vessels, which are the fastest sailers in the world; and I have the satisfaction to be able to inform the Government that my expectations were even surpassed, for in a run, close hauled to the wind, from the basin to Deadmen Islet, we beat more than thirty of the schooners, and those did not seem the slowest of the fleet.

Evidently, *La Canadienne* had gained much, in point of speed particularly, by the improvements and changes I had made in her masts and sails.

These were certainly very important results, and favorable in the highest degree to

the accomplishment of the principal object of the mission of *La Canadienne* in the Gulf of Saint Lawrence, which is, the protection of our fisheries and the enforcement of our fishery regulations.

By beating all these fishing vessels in working, and by out-sailing them, we showed their crews that we could overtake them at any time, and we thus put them on their guard and removed from them all temptation to violate our laws and commit depredations on our coasts, by destroying their hopes of impunity.

We remained at the Magdalen Islands until the 9th.

Since the 6th, we had seen but few schooners from the United States on our coasts. They had gone, no doubt, to try their fortunes on Bradley's Bank and the North shore of Prince Edward Island.

The summer mackerel fishing had been very good at the beginning of that season, but for some time past it had not been so good.

As for the cod fishery, the bad weather more than any thing else had prevented it from being profitable.

There were six schooners in Amherst Harbor, and only three in House Harbor.

There had not been any disturbance of the peace in these parts, nor elsewhere on these coasts, neither were there any complaints against foreign fishermen.

Seeing that all was well, and that our presence could be dispensed with at the Magdalen Islands, we left there to go and visit the port of Pictou, in obedience to the orders you had given me. We arrived there on the 11th.

Pictou is one of the most commodious and best sheltered ports in the whole Dominion of Canada; and the immense deposits of coal in its neighborhood give it an importance which must make it, in time, one of the richest and most frequented ports in the Dominion. But it possesses also another advantage, which is that of being situated near to the fisheries in the Gulf of St. Lawrence.

It seems to me that Pictou would be a good place at which to fit out for large undertakings in the cod and mackerel fisheries.

There are excellent ship-yards there. Vessels do not cost much. Sea-faring men are numerous. With all these resources one might have hoped that fishing, as a branch of industry, would have been much followed there, as in other ports in Nova Scotia. It is to be supposed, however, that something has interfered to check the development of that branch of industry; for, according to the best information I have been able to procure, I have ascertained that there are only a few schooners belonging to this port engaged in the cod fishery; and even those, I was told, did not make much by it.

It is to be hoped that this state of things will change, and that, with the impetus given to every branch of Art and Industry by the new Government, Pictou, which already possesses coal mines and a trade in coal—together with ship-building—will add to its resources by means of the fisheries. For, I do not see any reason why vessels should not be fitted out for the cod fishery on the Banks, and for the mackerel fishery, from the port of Pictou, as well as from the Atlantic ports in Nova Scotia. It has, certainly, as great advantages for those purposes as those have; and it is certainly nearer to the fisheries.

In this port, I met the schooner *Daring*, Commander O'Brien, formerly belonging to Nova Scotia, and employed in the coasting and light-house service of that Province. She is a pretty vessel, well kept—said to be fast—and well fulfilling the object for which she was built.\*

I should deem myself wanting in my duty if I omitted to mention here the kind and friendly reception given to us by the people of Pictou. The intercourse my officers and I had with a large number of persons in this pretty town was most satisfactory; and we have to thank them for the cordiality and politeness which they always manifested towards us in our intercourse with them.

The people of Pictou, who are almost all Scotch, have not forgotten the good traditions of Old Scotland. They are industrious—but they are essentially hospitable—and we shall never forget them.

\* Since the above was written, I have heard that this schooner was wrecked on the coast of Nova Scotia, in a violent storm.

On the 14th, we left that port, at sunrise ; and, a little before noon, we arrived at Charlottetown.

In that port, we found the iron-clad frigate *Favorite*, commanded by Captain Shortt. This vessel, one of the finest of its kind in the British Navy, was one of those which had been detached from the British North American Squadron for the protection of the fisheries in the Gulf of St. Lawrence.

The interviews which I had with this distinguished officer on the subject of the service on which we were both employed in the Gulf, and also on the subject of the system of granting fishing licenses to American fishermen, were highly satisfactory to Captain Shortt and to me ; and we were agreed as to the difficulty, not to say the impossibility, of preventing American vessels from fishing in our waters, owing to the obligation which the Commanders of British cruisers were under of giving three distinct warnings to American vessels discovered in the very act of encroaching on the rights reserved to our fishermen, before being able to seize them.

At Charlottetown I had the honor of an audience with his Excellency the Lieutenant Governor of the Island, and I made it my duty to furnish him with all the information I possessed on the subject of fisheries in Canada, and of the system of granting licenses there to American fishermen.

Moreover, His Excellency did me the honor to visit *La Canadienne*, and I did not fail, on that occasion, to pay him the honors due to his high rank.

As the Government of Prince Edward Island does not keep any vessels for the protection of the fisheries, I was authorized by His Excellency to search any American vessel I might meet with in the waters of that Island.

The port at Charlottetown is one of the finest, the safest, and the easiest of access in all North America, and might become a great centre of the fishing trade of the Gulf. The coasts of Prince Edward Island are much frequented by fish, especially the north coast, where very good mackerel and cod fisheries are to be found ; and fishing might, it seems to me, be profitably pursued as an employment in a place where there is already a good deal of sea-faring industry, and where vessels are built cheaply.

But hitherto the people of this Island, who are hard-working as well as industrious, have turned their attention to the cultivation of the soil rather than to navigation and the fisheries. I do not doubt, however, that in a few years, when the population shall have increased, and capital accumulated, a large sphere of exertion may be embraced by them, and both these branches of industry become sources of widely diffused wealth.

Singular to remark, the house which carries on the largest trade in fish is an American house. That is the dark side of the picture, let us hope that we shall see the bright side before long.

On the 16th we left Charlottetown, and on the 18th we arrived at Paspebiac.

On the 20th we visited Port Daniel, and we went and anchored at night at the entrance of the Harbor of Shippigan.

The next day we reached Cape Cove, and after having searched several American vessels, we came to Percé on the 22nd.

On the 23rd I visited Point St. Peter, Grande grève, Douglstown and Gaspé Basin.

On the 25th we left that port, and I stopped at Anse Brillante to search an American schooner. On the 26th I again visited Point St. Peter, and that night we went and anchored off Cape Rosier.

In all these places that I had just visited, the cod fishing was a little worse than the average.

On the 27th I stopped at Griffin's Cove, and at Fox River.

On the 29th we came to Mont Louis, where we were compelled by a heavy gale from the north-west to remain two days.

On the 31st, the wind having moderated, we were able to quit that place for Ste. Anne des Monts, which we reached on the 1st of September.

From Cape Rosier to this place the accounts of the fisheries were discouraging. There was little cod, little bait, and the weather was very bad. The fishermen had not yet taken one half of the usual average. It was very sad ; and if the autumn fishing should not be better, it was to be feared that want and misery would have to be endured along the coast.

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But few American schooners had been seen in these quarters, and they had remained only a few days. No one had had cause to complain of their crews.

On that day, as I had been informed by the Honorable A. Campbell, in a letter in which he was pleased to notify me that he accepted my resignation, from the 1st September, I ceased to be the Commander of the Expedition for the Protection of the Fisheries, and in compliance with the orders I had received, I gave up the command to Mr. Théophile Tétu, who, I am happy to be able to say, possesses in the highest degree all the requisite qualities to fit him for the office he is called upon to fill.

And, before concluding this Report, which will be my last, let me be allowed to say that Mr. Tétu has served under me for six years in the capacity of assistant, and that during all that time I always found him prompt and faithful in the discharge of his duties.

And if the Government would be pleased to confer upon Mr. Tétu this command, which he has exercised during two months to the satisfaction of all concerned, I pledge myself that the duty of protecting the fisheries will be in good hands.

I have still an important duty to fulfil before I close,—it is that of offering to you, Sir, my most sincere thanks for all the kindness and consideration you have shown to me, of which I beg that you will believe that I shall preserve a grateful recollection.

I conclude by recommending to your kind care and special attention the officers and men of *La Canadienne*, whose services you have been pleased to tell me, on several occasions, you appreciated.

I have the honor to be, Sir,

Your very humble and obedient servant,

P. FORTIN.

# R E P O R T

OF

## THEOPHILE TETU, ESQ.

FOR THE SEASON OF 1867.

TO THE HONORABLE P. MITCHELL,

Minister of Marine and Fisheries, Ottawa :

SIR,—On the first of September, Commander Fortin, gave over to me the command of the Expedition for the Protection of the Fisheries, on board of *La Canadienne*.

In the afternoon, we anchored at Ste. Anne des Monts. I met there the Local Fishery Overseer, who reported to me that all was well in his division ; and that, with the exception of one case, in which a fisherman had misunderstood him with regard to the setting of a trout net, no contravention of the Fisheries Act had taken place. But it was rumoured that some persons intended to go soon to the upper part of the River Ste. Anne, which is full of salmon pools, for the purpose of spearing. I took occasion, therefore, to explain to the fishermen, whom I saw here, that very strict orders had been given to the Fishery Overseer, which would be put into execution whenever any one was found violating the law ; and I told the Lessees of the River that they, above all, ought to do all in their power to assist and advise the Fishery Overseer placed there by the Government ; and the more so, inasmuch as they alone reaped all the profits of the salmon fishing, at that place.

The River Ste. Anne des Monts was formerly one of the most frequented by fish of all those on the South Shore ; and numbers of barrels of salmon used to be taken there every year ; but, in the hands of Indians as well as white men, the spear had been very destructive, thousands of salmon having been killed by means of it—besides the numbers that must have been wounded. This practice had driven away the salmon, which had always been in the habit of visiting this stream ; and, in 1859, when the System of Licenses was established, this river yielded only a few salmon.

There is a change now in this respect ; and it may be seen by the Statistical Tables, accompanying this Report, that the quantity taken this year is double that taken in any late year ; and now that a Fishery Overseer will be always on duty here, during the season, and will see that the fish have free passage to their numerous spawning beds, we may expect soon to see the water of this beautiful river new stocked.

The cod fishing at Ste. Anne's, as in the neighboring ports, was indifferent.

On the 3rd of September, we were at Cape Chat, where Mr. François Roi, the Fishery Overseer, had nothing to report.

In the afternoon, I went with Louis Roi, Esquire, to a saw-mill, about four miles from the mouth of Cape Chat River, to see what would be the best way to build a fishway on the mill-dam. Mr. François Roi told me that, in the month of July, he had counted at least thirty salmon at this place seeking to ascend into the upper part of this river, for the purpose of spawning, but that, finding that obstacle, they had all, after some days spent in fruitless efforts to surmount it, returned to the sea.

After mature consideration it was decided that Mr. Roi should set to work at once to

construct, as he agreed to do, at a cost of \$160, a fishway about 40 feet wide, and with a declivity of one foot in six, according to a model furnished by the Department.

After that fishway had been completed in October, I saw that it was solidly built and would answer the purpose for which the Government had ordered it to be constructed.

At all these places herring was abundant, and the inhabitants had taken advantage of that to salt them in considerable quantities.

I should have liked to have gone as far as Matane, and to have visited the stations between Cape Chat and that place, but about 11 o'clock at night such a high wind began to blow from the west that we had to hoist our sails and proceed down the river.

The next morning I visited Madeleine River and *Cap-à l'Ours*, and in the afternoon Grande Vallée.

At Magdeleine River there were some trifling difficulties to be adjusted, but elsewhere all was quiet.

Several barrels of herring had been salted at these places also, but the cod fishing was much less successful than usual, particularly at *Grande Vallée*.

Having left the latter place towards evening, we were at Cape Gaspé the next morning, and I availed myself of the opportunity to visit all the small stations between Ship Head and *Grande Grève*; and in the afternoon we anchored in Gaspé Basin, where there were only a few schooners.

My stay at Gaspé Basin was prolonged to the 11th, partly on account of *La Canadienne* having to undergo some repairs, and partly because the local magistrates having several arrests to make thought it right to ask me to remain some days longer there with *La Canadienne*.

I took advantage of this opportunity to visit the oyster bed in the Basin, but after two hours' work with our drags we succeeded only in bringing up a few shells from the bottom.

I ought also to mention that, on the day after my arrival, the corvette *Sphinx*, Captain Hamilton, coming from St. George's Cove, and being now on the station extending from Cape Breton to Cape Rosier, came into Gaspé Basin.

I called upon that officer, and having shown him my instructions with regard to American fishermen, he promised me all the assistance in his power, and promised me also to tow *La Canadienne* out of Gaspé Bay if, on the day I sailed, when he would leave also, there should be a calm or a head wind; but being detained by an event which happened at the Basin, I could not take advantage of his offer.

Captain Hamilton told me he met but few American schooners near our coasts. The fact is, that our Gaspé fishermen had seldom seen so few, almost all having gone to fish at the Magdalen Islands, on the coast of Nova Scotia and at Prince Edward Island.

On the 11th, I left Gaspé Basin for the Magdalen Islands, and on the way I touched at Percé and at Bonaventure Island. All was well at those places, but the continued bad weather had prevented our fishermen from visiting the fishing banks, and the consequence was that but few autumn cod had been landed.

On the 12th of September, at one o'clock in the morning, favored by a fresh breeze from the west-south-west, we hoisted our anchor and set sail for the Magdalen Islands, where we anchored, off North Cape (*Grosse Ile*), towards evening.

About 20 American schooners were anchored at this place, fishing for mackerel. I should have been glad to have searched them all, but a high wind and a heavy sea, together with the lateness of the hour, prevented me from going on board of more than those whose names are given in the following table :—

Name of Schooner.	Name of Captain.	From what Port.	Tonnage.	Number of men	Mackerel— barrels.	No. of Licenses.	By whom and where given.
Annie Harris.....	Ed. H. Harris.....	Bremen (Maine).....	42	17	230	399	Port Mulgrave, V. Wallace.
C. Vermont.....	A. L. Colly.....	Westport.....	46	12	120	242	do do
Rattler.....	J. McKenzie.....	Georgetown (P.E.I.)...	92	22	280	.....	do do
Eastern Light.....	J. K. Howard.....	Gloucester.....	70	16	155	455	do do
Total.....	.....	.....	250	67	785	.....	.....

Three of these schooners had licenses to fish, and, as will be seen, the fishing had been but indifferent. The captains told me there were plenty of mackerel, but they would not bite.

The next day I sold a Clergy Reserve lot. Cod fishing at Grosse Isle was indifferent. Mackerel fishing pretty good; each vessel having at the time from 15 to 20 barrels of that fish.

On the morning of the 13th we left North Cape, and at 10 P.M. we anchored off Amherst Island, having beat all the while against a high wind from the west-south-west, accompanied by a heavy sea. At this place we found 90 American schooners that had come there the same evening for shelter from the storm. I could not reach them, and the next morning, the wind having changed, they all set sail, and up to the day of my departure from the Islands, the 18th, I had no opportunity of boarding them, for they kept in the offing all the time.

During my stay in Pleasant Bay, I visited, besides Amherst Island, Grindstone Island and Allright Island. At all these Islands cod fishing had been indifferent, and it was calculated that the product would be two-thirds less than that of 1866; but, in return, the summer mackerel fishing was excellent, and our fishermen had done well.

All the schooners that had left the Islands this spring, for the cod fisheries on the coast of Labrador, had returned; but, unfortunately, their voyages had not been profitable to the fishermen, the most successful among them having taken only 240 hundred weight of cod fish. The fact is that those fishermen who plied their calling round about the Magdalen Islands, this summer, were much more successful than those who went to the North, and I think this will have the effect of inducing our people to prefer fishing near their own shores rather than expose themselves to the dangers of a long voyage, to return, perhaps, as this year, without fish enough to pay for the necessary outfit; and a proof of the truth of what I say is, that whereas, a few years ago, all the schooners from the Magdalen Islands, without exception, went to the coast of Labrador to fish for cod every summer,—scarcely the half of them are to be seen there now.

Some of the inhabitants of these islands who had bought Clergy Reserve lots last year, paid their second instalments, but many others failed to do so, most of them being away fishing at Grand Entry Harbor, so that I received money from seven persons only. Since my arrival here I have been informed, by a letter from House Harbour, that several others paid after my departure, but as the payments were made in specie, which it had not been possible to convert into paper, it was thought best not to send it, but to keep it until the return of the Government vessel in the spring.

It would be well that a surveyor should be sent to survey those lots, for as there are neither lines nor posts to be seen, it is very difficult to determine the positions of the respective lots.

The inhabitants did not make any complaints against the American fishermen who had come to the Islands this summer, and I have reason to believe that all was quiet after my departure.

On the 18th of September, all my business being finished, and not seeing any American schooners near the coast, and considering that I had still to go to the northward, I took advantage of a strong south-west breeze to give orders for setting sail and making for Blanc Sablon Bay, which we reached on the 20th, in the morning.

I found only five Jersey vessels there, taking in cargoes of dried codfish for the Brian and Mediterranean markets.

There had not been any autumn cod fishing at Blanc Sablon, nor at any place between that and Mingan ; and, to make matters worse, the herring, which generally visits this part of our coast in the autumn, had not yet made its appearance, and the season was so far advanced that the failure of that fishing also could be foreseen. And in fact it did fail, so that our fishermen, deprived of these resources would have found themselves in a very critical position and very much at a loss how to get through the hard months of the approaching winter, if it had not been that, fortunately, the salmon fishing was better than usual this year. But for this, many families, not being able to obtain credit from the traders to whom they were already in debt, would have been compelled to leave the coast and seek for the means of subsistence elsewhere.

I have since learned, with pleasure, that the Government had been so good as to send some provisions to the inhabitants of that coast last autumn. It is to be hoped that those provisions arrived there in time, and that the vessel sent with them was more fortunate than the one chartered for the same purpose in 1866, and delivered the provisions in good order and at the appointed places.

There had been a shipwreck in Bradore Bay ; the vessel had been lost, but the crew had saved themselves, and the greater part of the cargo had been brought ashore.

During our stay at Blanc Sablon, I visited Wood Island, Little Harbour, Long Point, Sandy Bay and Bradore Bay. Order reigned in all those places.

On the 22nd we set sail, and that night I was at *Bonne Espérance*, which, as well as Salmon Bay, I visited. Not a single barrel of herring had been salted at the posts between Bradore Bay and *Bonne Espérance*, and the cod-fishing had been very bad ; the salmon fishing alone had been favorable for the people at these places.

On the 23rd I left *Bonne Espérance*, and that night I was at St. Augustine, where we had the good fortune to be able to anchor before the close of day ; and very good fortune it was, for in the night the wind began to blow from the north-west, we had a storm which lasted two days and two nights.

There I met Mr. Kennedy, the Fishery Overseer, who informed me that the salmon fishing had been much better than usual, and that there had not been any contravention of the Fisheries Act in his division.

On the 26th, in the morning, we set sail for St. Augustine with a north-east wind, and that day I visited the Whale's Head at Pacachoo, *La Tabatière*, Red Bay, and the Whale's Head at Mecattina.

At *La Tabatière* and at the Whale's Head at Mecattina, the cod fishing had been pretty good, but the fishermen were afraid they would not be able to obtain flour and clothing in exchange for their fish, for they knew the Nova Scotia traders would not come there (none of them daring to infringe the Customs Acts this year), and they knew also that Canadian traders did not much like to receive small cod-fish for their flour. They did not, therefore, very well know what to do ; and after all, they seemed to be but little better off than their brethren who had not taken any cod.

In the evening of the same day we left Whale's Head at Mecattina, and sailed, with a good wind, for Natashquan, where I was to take on board the Fishery Overseers of Natashquan and Watsheeshoo, where we anchored on the 27th, in the evening.

The Fishery Overseer at Natashquan having informed me that a certain person whom he had fined for a contravention of the Fisheries Act, had not chosen to pay the fine, I caused the person to be arrested, and he paid the fine at once.

The cod fishing at Natashquan had not been very good, nor yet very bad, and the same remark will apply to Kégasca.

Schooners from these two places had returned from cod-fishing, bringing but few fish ; the most successful of them having 250 hundred weight.

That Fishery Overseers for Natashquan and Watsheeshoo, reported to me that no Indians had speared fish in their divisions and that the rivers were full of salmon at the spawning season.

On the 29th, in the morning, the wind being south-east, we sailed from Natashquan for Esquimaux Point, which I visited the next morning ; and in the afternoon we anchor-



ed in the Harbor of Mingan, where we remained until the 2nd of October, being detained there by a storm of wind from the east-north-east.

I took on board the Fishery Overseer of this harbor, who told me that a salmon had been speared here by an Indian this summer, but that hunger had been the cause of the deed. I shall refer to this at greater length under the head of "spearing," in my general remarks attached to this Report.

On the 2nd of October I left Mingan, and on the same day I visited the establishments at Long Point, River St. John and Rambler's Cove. At these places both the summer and autumn cod fishing had been much better than at other places on this coast, and our fishermen appeared to be very well satisfied with the results of their labor.

The salmon fishing also had been good, and, altogether, it had been many years since there had been such good fishing in St. John's River.

At the last named post I met Mr. Beaubien, the Fishery Overseer, who told me that all was well in his division, with the exception of some trifling differences between the fishermen, which I settled amicably.

In obedience to orders from the Department, Mr. Beaubien had gone far up the St. John's River, accompanied by a miner, and had succeeded in blowing up a rock of several tons weight, which had until then presented an almost insurmountable obstacle to the ascent of salmon to the spawning beds of this beautiful river, and in the attempt to get over which, thousands of that fish had lost their lives; for when the water was low there was to be seen below the rock in question, a cavity several feet in diameter, and five or six feet deep, which was invisible when the water was high, and into which fell all the poor salmon that did not succeed in leaping the rock, and once in, they could not get out, and soon died, or became a prey to the bears who, when the water was low, ventured as far as this spot, called the *Chaudière*, and devoured all the fish to be found there.

On the occasion of his expedition to the *Chaudière*, Mr. Beaubien found from twenty-five to thirty dead salmon in it, and the remains of many more on the rocks around, whither they had been dragged by the bears. The effect of the blast has been such, that salmon will now be able to ascend it without danger, the whole of the side of the *Chaudière* having been blown away.

As Mr. Beaubien had finished his work at St. John's River, and the fishermen had almost all left the North Shore, he took passage on board of *La Canadienne*, and on the 3rd of October, in the afternoon, we anchored at Thunder River, which I visited, as well as Duck Creek.

Cod fishing was pretty good at these places.

We were prevented by fog from leaving this place until 4 P. M., and at 6 P. M. we arrived at Sheldrake Island, where just as I was going to land, the wind suddenly began to blow from the west with such force, and such a sea got up, that we were obliged immediately to take in sail and make for the South Shore. At 7 P. M. we left Sheldrake Island, and at 2.15 A. M. on the 4th, we were Fox River. That night was one of the roughest of the season, and we were obliged to pump all the time.

But for that storm I should have gone as far as Seven Islands, and visited the fishing stations between Sheldrake Island and that place.

On the 4th, in the afternoon, we anchored in Gaspé Basin, where there were only a few vessels.

I found nothing new at Gaspé. Some whalers had returned, and seemed well content with their voyages.

On the 7th, after having taken water and provisions, and had some repairs made to *La Canadienne*, we left Gaspé Basin for the Bay of Chaleurs. On that day I visited *Grande Grève*, Point Peter's and Percé, where we anchored in the afternoon.

At all these fishing stations the autumn cod fishing was very poor, not for want of those fish on the banks or even near the coasts, but because the fisherman could not go out, being prevented by the winds which prevailed continually this autumn on our coasts. But for that the fishing would have been very good, for on the few occasions when the boats were able to get to the banks they brought back from 12 to 15 draughts of cod.

On the 8th we left Percé, and that evening we anchored at Grand River, after having touched at Grand Cove, and on the 9th, in the morning, we were in Paspébiac

Roads, where I counted six Jersey vessels taking in cargoes of dried cod. At all these places the fishing was but indifferent; at Newport, it was better, they said.

On the 10th, in the afternoon, having finished my business at Paspébiac, and the wind coming round to the north-east we set sail, and being favored by a fine breeze, we found ourselves next morning at Carleton, where I went on shore for some hours, and the same evening we anchored up the River Ristigouche, opposite Mission Point.

There, I remarked with pain, that some salmon fishers, belonging to New Brunswick, had not yet removed from the River Ristigouche the stakes they had used in making their fisheries, which obstructed the course of the river.

Next day there was a north-easterly storm with rain and hail. On the 13th, in the afternoon, the wind coming round to west-north-west, we left Mission Point, and in the evening we anchored off Carleton, which we left next morning for Maria, and came and anchored the same evening at New Richmond.

At Maria, I met Mr. F. Cook, and at New Richmond, Mr. M. Dimock, both of whom told me that no contravention of the law had taken place since the last visit of *La Canadienne*, that the salmon fishing had been much better than usual, and that our rivers had been visited by a great number of salmon during the spawning season.

I could not leave on the 15th, having to arrest a man at New Richmond, but on the 16th, in the morning, we set sail, and in the afternoon I landed at Grand Bonaventure, where I found the fishing pretty good, some boats having brought in that day from 400 to 500 codfish.

The fishermen baited their hooks with smelts, which they found in great quantity at the mouth of the river.

The same evening we anchored at Paspébiac, which we were prevented by a calm from leaving until the day but one after.

At ten o'clock in the morning of the 18th, we were in the Harbor of Caraquette, and I sent a boat at once under the command of the chief pilot to the oyster-beds, and the same evening the oysters intended to be planted at Bic, were on board.

Next morning, we left Caraquette, and on the 20th, at eight o'clock in the morning, I landed at Percé, where the fishing continued bad, and where, apart from that, there was nothing new.

In the afternoon we sailed for Gaspé Basin, where we anchored the next morning.

I found at that place 9 vessels loading with dried cod for the Brazilian and European markets.

I remained at Gaspé Basin till the 23rd, and during that time I settled accounts with the different merchants there, took in provisions, dragged for oysters, and unfortunately ascertained that they had not been able to live in the waters of the Basin, and gave assistance to George Dumaresq, Esq., J. P., who, during my stay in this port, had had several difficulties to settle, among others a case of theft on board of a schooner loaded with goods from the wrecked vessel *Ardentee*.

I arrested the accused, and in the afternoon, after Mr. Dumaresq had concluded the examination, I left Gaspé Basin with the prisoner and lodged him the same evening in the Gaol at Percé. I left again next morning, the 24th. In the afternoon I anchored at Malbaie, which I visited, as well as Point Peters, where I found the fishing indifferent.

The next morning, at the *Barachois*, I arrested a man accused of having fired at an ox. After the examination, which took place the same day, the wind being from the north-east, we left Malbaie; but it was not till the 26th that we anchored at Fox River, where I remained until the 28th. The autumn fishing was very poor there also.

I had gone to Fox River for the purpose of affording armed support, if necessary, to Charles Fox, Esq., of the Customs at Gaspé who had been sent there by the Collector at that port to see to the landing and storing of goods from the wrecked vessel *Ardentee*. But all was going on well then, and I was desirous of going, as soon as possible, to Magdalen River and *Ste. Anne des Monts*, at which place I was wanted, and as Mr. Fox said he could dispense with my services, I left Fox River on the 28th, in the morning.

I have since learned that, immediately after my departure, people from different places on the coast, no longer fearing a visit from *La Canadienne*, flocked to the scene of the shipwreck, and, in spite of express prohibitions from the owners of the vessel, who were there at the time, took possession of a number of things, and even that one of them

had been arrested and was to be tried at the next Criminal Term for the County of Gaspé, at Percé.

Although I left Fox River with the expectation of being able to go to Magdalen River and *Ste. Anne des Monts*, and thence to the River Moisis and the Seven Islands, I was prevented from going to any one of those fishing stations by a strong head wind which sprang up on the 29th, so that I made for Old Bic, fearing that if I did not take advantage of a fine breeze from the north-east on the 30th, I should risk having to keep the oysters destined to be planted at that place too long on board of *La Canadienne*.

On the 30th, in the evening, we anchored off Old Bic, and the next day, after having carefully sounded both the Bay there and that at Cap à l'Original, I found two spots where the bottom consisted of mud and sand, and there I deposited my oysters, twenty-five barrels in each of those Bays. They are in from one and a half to two fathoms of water at low tide. I shall treat of this at greater length in my concluding Remarks.

I took advantage of the calm in the afternoon of the 31st, to visit Rimouski, where I heard that neither the herring fishing nor the sardine fishing had been so good this year as in 1866. The Salmon fishing on the contrary, had been better, and Mr. Luc Sylvain, whom I met, told me that thirty-six salmon had been taken with the fly in the River Rimouski, and that in August and September he had observed there a great number of little salmon, of three or four pounds weight; and I have since learned that at least two hundred couples spawned in that river this autumn.

Mr. Sylvain, who had paid special attention to the protection of salmon in this stream for some years, has reason to be proud of the successful results of his exertions.

On the 2nd of November, in the evening, we left Old Bic for Quebec, and we should have reached that port without having the slightest damage to record if it had not been for an accident,—fortunately not a fatal one—which happened to us that evening, and which was occasioned by want of skill, care and watchfulness on the part of the crew of a schooner who allowed her to come into collision with *La Canadienne*.

On the 3rd we anchored in the stream off Quebec; three days afterwards the crew were paid off, and on the 16th *La Canadienne* was towed into the Palais harbour, where she passed the winter.

#### CONCLUDING REMARKS.

With the exception of the accident which happened in the Traverse, where there was a collision between *La Canadienne* and another schooner, the cruise of *La Canadienne*, which, as may be seen from the extract from the log-book, lasted five months and a half this year, was a most prosperous one, notwithstanding the many gales of wind along the coasts of the Gulf in the spring and in the autumn, which we did not always escape.

We were not able to leave the port of Quebec until the 17th of May, being delayed by the late breaking up of the ice at the mouth of the River St. Charles, and also having to wait several days for our sails, which could not be completed before that day; the consequence of which was that the cruise was a little shorter than usual this year.

Nevertheless, during that time we succeeded in making three visits to the Magdalen Islands, two to the coasts of Labrador and the North shore, one to the Island of Anticosti, one the South shore of the River St. Lawrence, two to the Bay of Chaleurs, and one to New Brunswick, Nova Scotia and Prince Edward Island.

Some hundreds of schooners also, belonging to the United States, to the Provinces, &c., were searched, as well on the coast of Labrador as at the Magdalen Islands and in the Bay of Chaleurs.

The greater number of the American schooners engaged in fishing for mackerel, which we boarded, were furnished with fishing licenses; but I see by a list furnished to me by J. Fraser, Esq., Collector at the Port of New Carlisle, that of 108 American schooners which anchored this summer at Paspébiac and New Carlisle only 69 had licenses. It is true, however, that all these schooners were not engaged in fishing for mackerel, several of them being engaged in fishing for cod on the banks of Miscou and elsewhere.

It is also to be observed that, the mackerel fishing not being so good this year as it was in 1866, while the price of licenses was double what it was in that year, the American captains, fearing to make bad voyages, and wishing to avoid all unnecessary expense

hesitated to pay for licenses, and preferred to remain fishing near the Magdalen Islands, where they have a right to fish, and beyond three miles from the coasts of Nova Scotia, Prince Edward Island and Gaspé, rather than to procure the privilege of fishing elsewhere by paying one dollar per ton for licenses. I should suppose, therefore, that fewer fishing licenses have been sold this year by the Canadian Authorities to American fishermen, but I cannot affirm that such is the case.

As may be seen by the Report, the best possible understanding continued to subsist between the foreign fishermen and our own throughout this season; no complaint arising out of any difficulties between them was made, that I know of, to any magistrate, and our fishermen were able to devote themselves to their occupations without any fear of being disturbed or molested in their pursuit of the same.

It is rather among our own fishermen that difficulties occur; and magistrates were obliged to have recourse to *La Canadienne* several times this year, particularly at Gaspé, when it became necessary to make some arrests.

In fact it is, so to speak, almost impossible for them to have a warrant executed and bring a prisoner before them, not having the necessary force at their disposal; and it is only when we arrive that the law can have its course; and if it were not for this armed force, it would often happen that the guilty would go unpunished. The difficulty has always been for the magistrate on board of the Government vessel to transport himself at the proper times to the different places where his services have been required. At one time it was a calm, at another time it was a head wind that prevented him from getting there, and during the delay the guilty might escape. This very autumn I could not, on account of the wind, go to two places on the South shore of the River St. Lawrence, namely the River Magdalen and *St. Anne des Monts*, where my presence was absolutely required. A little later I was written for, after my departure from Fox River, to go to the wreck of the *Ardentee* at *Petit Cap*; the letter did not reach me, it is true, but even if I had received it, with a sailing vessel I could not have gone there.

But, all things considered, the cruise of *La Canadienne*, with these few exceptions, has given satisfaction, I think, to our own fishermen, as well as to the foreign fishermen who have visited our coasts; and our laws have been obeyed in our seaports and along our shores, as well as could have been expected considering the extent of coast *La Canadienne* has to watch over.

## REMARKS UPON SOME OF OUR SEA AND RIVER FISHERIES.

### FISHING FOR MACKEREL FROM SCHOONERS.

A branch of business much followed by the greater number of American fishermen for some years past, is that of fishing for mackerel from schooners. Every year, during the months of July, August, and September, and during part of the month of October, schooners from the United States resort for that purpose to the coasts of the Magdalen Islands, where these fish are always found in great numbers during the spring and summer, and to the Bay of Chaleurs, the River St. Lawrence, as far up as Seven Islands, and the coasts of New Brunswick, Nova Scotia, Cape Breton, and Prince Edward Island. There were, it is said, 500 in the waters of the Gulf this summer; the town of Gloucester, alone, sending out nearly 400.

It would be difficult to estimate the profits of this fishery, but it is very certain that they must be considerable, and much greater in proportion than those of the codfishery; and a proof of this is that whereas formerly numbers of American schooners were to be seen fishing for cod on the coast of Labrador, few are to be seen there now, and this year we counted only two.

American fishermen must, then, have come to the conclusion that mackerel fishing is far preferable to cod fishing. And it is for this reason that a number of companies have been formed, and have fitted out, for the mackerel fishing, what I will venture to call the finest schooners in the world. These little vessels, manned, generally, by from 15 to 20 men, all of whom share in the profits of the fishery, are built on the newest models, and are therefore fast sailers; and it is necessary that they should be so in order that the fishermen may approach the shoals of mackerel as quickly as possible. A slow sailing schooner would not answer the purpose. The above number of men can, when the mackerel bite well, take 50 barrels of these fish, with hook and line, in one day, as has often happened at the Magdalen Islands.

It is true that it is not always so, and that often the result is quite different. This year, for instance, the American fishermen have had but little success, not because mackerel were scarce on the coasts of Canada, for seldom have they been seen in such quantities, and, according to the fishermen's accounts, they were abundant; but, on the other hand, they would not take the bait, and all the well-known skill of the Americans was baffled by this new whim of the fish. This, however, lasted only during the months of July and August, and towards the end of September the fishing became better, though it was not very good, for at the end of October, according to information procured on the spot, these schooners had only taken, on an average, about 150 barrels of mackerel each, making 75,000 barrels between 500 schooners. This is but little, considering the amount of capital employed in the equipment of so great a number of vessels. But failure in this fishing seldom happens, and even when it does take place the American fisherman compensates himself for what he may have thus lost, by fishing for cod on the great banks during the winter, an advantage which our fishermen have not, it is true, but the absence of which is made up to them by their being so near the shoals of mackerel.

The American companies, formed for the purpose of fishing for mackerel, have from 9 or 10 to 20 schooners each; half of these may do well, while the other half may not be so successful; but on the whole, the shareholders still find their profit, for mackerel always sells well, especially in the United States.

It is true that our fishermen would not have the same advantages nor realize as considerable profits as the American fishermen, in consequence of the duty on mackerel imported into the United States by foreigners being so high; but, could not that fish be exported to other countries? And, if for some years past our merchants in the Bay of

Chaleurs and Gaspé Bay have made money by sending salted herring to Barbadoes and Bermuda, would they not find it to their advantage to introduce there a fish that is more than twice as good ?

For some years past this new method of fishing for mackerel has been adopted by some fishermen from Nova Scotia, New Brunswick and Prince Edward Island, and they must have found it suited them, for they increase from year to year the number of schooners they employ in that way. Why should not we do the same thing? And why should not our merchants of the Bay of Chaleurs, and other parties in the Province of Quebec, form themselves into companies for the purpose of fishing for mackerel, in the same way as the American fishermen? If the latter succeed, as it is proved they do, why should not we succeed? One thing is certain, and that is, that the American fishermen themselves admit, that those of our Acadian and Canadian fishermen who have practised this mode of fishing from on board of their own schooners, have been very active and skilful at it.

Now, we must find some one who will devote himself to this branch of industry, and that person once found, all will go well, and we shall be able, like others, to enjoy what this fishery must necessarily bring us.

And what advantages we have over the American fishermen! Mackerel abounds close to our shores, at our very doors, it may be said; we are not obliged, like them, to go a long way to find it; it is near to us, and we have but to stretch out our hands and take it; and for all that foreigners, instead of us, profit by these riches of the Gulf of St. Lawrence. An effort should be made and we should, without longer delay, apply ourselves to this new branch of industry, and share its profits with our neighbours.

#### SPRING HERRING FISHING.

At the Magdalen Islands, in the County of Bonaventure, at Maria and at Carleton, this fishing was carried on last spring on a larger scale than for some years past, and it was remarked, with pleasure, that a new firm, Messrs. Petrey, Robertson, & Co., from Ireland, set up two establishments for curing herring, one at Maria and the other at Carleton. This company paid the fishermen 2s. 6d. per barrel for round herring fresh from the hook, and 10s. per barrel for packed herring, and proposed to export the fish to the Mediterranean markets.

This will be, I think, the first appearance of our Bay of Chaleurs herring in that quarter. It is to be hoped that this experiment will succeed, and that in consequence, a market will be found there for this fish, which is generally found in such abundance along our shores. As it is very fat in the spring it will be found preferable to the Labrador herring, which would not keep in those hot countries; and since it will not do for us to export that fish to the United States, seeing that we have to disburse, over and above the price, commission and freight, 5s. for every barrel exported thither, we shall perhaps, have the good fortune to be able to sell to greater advantage in those markets, so well known to our Gaspé merchants.

#### PORPOISE FISHING.

A company was formed also this spring, for the purpose of taking porpoise in nets, that fish have frequented the Bay of Chaleurs for some years.

Nets were first set near the shoal at Carleton, where those fish were in the habit of coming daily, and a porpoise was taken the first night, although the stretching of the net was hardly completed. This seemed a good omen, but unfortunately this state of things did not long continue, and in a few days, it seems, these fish had either almost entirely disappeared, or avoided approaching the nets in such a way as to expose themselves to the danger of being taken.

Some of the people employed by the company attributed this disappearance of the porpoise to the too great quantity of herring nets set in Carleton Bay, and also to the almost constant coming and going of schooners there; and in order to avoid these obstacles the company decided upon ceasing to set nets at Carleton, and caused a fishery to be built a little above Dalhousie, but on the Lower Canada side of the river.

Some time after the new fishery was completed, from 150 to 200 of these fish entered its enclosure in one day, and if it had not been for a mass of sea-weeds pressed by the

force of the current against the fishery until a part of it gave way, and left an opening for the escape of these prisoners, the company would on the occasion, have been re-imbursed all its expenses of outfit, for each of these fish is worth from \$80 to \$100 ; but this experiment did not prove more successful than the other, and it appears that only three or four porpoises were taken the whole season.

It is said, however, that the company are not disposed to abandon the enterprise and will recommence operations next spring. But these fish are so cunning and so timid in approaching objects they are not familiar with, that it will always, I think, be difficult to take them. Hitherto the best and most successful method of catching them has been that employed for a number of years by the fishermen of River Ouelle and *Isle aux Coudres*, namely, in brush weirs ; but these could not be used in the Bay of Chaleurs for want of tidal currents, and nets had to be used instead.

#### WHALE FISHING.

The port of Gaspé is the only one in Canada that dispatches, as it has done for many years, schooners fitted out for the express purpose of whale fishing in the Gulf of St. Lawrence. At first these enterprises were highly profitable, whales being numerous and readily allowing themselves to be approached by the harpooner.

Now, however, both these conditions are reversed—but few whales visiting our coasts, and those being so timid that often it is only after having rowed for days in all directions, carefully following the movements of a whale, that the harpooner succeeds in dealing it a blow.

This year, for some reason or another, whales seem to have been more numerous, and what was better still, the weather was favorable to our fishermen during the whole season. Accordingly they gave themselves up with the greatest ardor to the pursuit of these animals, as well on the coast of Labrador as on those of Newfoundland and Gaspé, and they succeeded in taking a much greater number than usual, as may be seen by the following table :—

SCHOONERS FROM GASPÉ BASIN, EMPLOYED IN WHALE FISHING IN 1867.

Name of Schooner.	Name of Captain.	No. of tons.	No. of men.	Whale Oil.	
				Barrels.	Gallons.
Admiration.....	Joseph Tripp.....	46	15	200	6,000
Violet.....	Henry Suddard.....	37	15	180	5,400
Rambler.....	Charles Stuart.....	51	15	170	5,100
Highland Jane.....	John Aseah.....	64	15	237	4,110
Breeze.....	William Harbour.....	45	15	80	2,400
Lord Douglas.....	James Baker.....	58	15	96	2,880
	Total.....	301	90	963	25,890

The yield of this year's fishing was therefore nearly equal to that of the last two years put together ; only 14,420 gallons of oil having been brought back in 1865, and only 12,330 in 1866. But will our whalers always be so fortunate, and will they always return with such cargoes ? I do not think so. On the contrary, I think we cannot expect to see as good results every year as those obtained this summer, particularly when we consider how uncertain a chase is that of the whale, which I may compare to that followed in the spring by the inhabitants of the Magdalen Island, when they are so fortunate as to see fields of Gulf ice covered with young seals ground near their shores.

What, then, is to be done to remedy this evil, and supply this deficiency ? I answer, what ought to have been done long ago, and what was strongly recommended by Commander Fortin in his Report for the year 1865, and that is to form a company or two for the purpose of fishing, or rather hunting, for whale in the Northern Ocean, and off the coasts of Greenland. There those animals are still to be found in great numbers ; and the Gaspé whalers, with their well-known experience and activity, would be sure to do

well there, and their vessels would come back not with their 200 but with their 1000 barrels of oil. That would be something worth while in the way of whaling; but to go and pass a couple of months off the coast of Labrador, and return to Gaspé with 25 or 30 barrels of oil, as has unfortunately happened to some, cannot be profitable to our whalers. On the contrary, it must be injurious to their interests, as well as to those of their outfitters.

The only thing they can do to recover themselves is to go to the North Seas in search of whales, for there are not whales enough now in our waters to give employment to our Gaspé whalers. I do not shrink from repeating once more, that no reliance is to be placed on the results obtained this summer. Those results have been good because by chance the weather was fine, and because whales were more plenty than usual; in another year the weather may be fine, but the whales may be wanting, or *vice versa*.

We cannot, therefore, depend upon that fishing in the waters of the Gulf, and we must seek elsewhere for the means rendering it certain and profitable.

#### PROTECTION OF SALMON AND TROUT.

All have observed with pleasure the care taken lately by the Government to protect salmon and trout, by passing new laws, and by appointing Fishery Overseers wherever required; and, thanks to the means employed, the Fishery Act has worked as well as could possibly be expected, particularly in a country like ours, in which the great extent of coast requires more than ordinary oversight.

In the first place a special law was required for the Indians. Their usages are not those of the white man to suit whose ideas also different laws were required. In all this the Government had the good fortune to succeed, so that now it may safely be said that the end it had in view has been obtained, and that our two finest kinds of fish, the salmon and the trout, which had for a certain time almost ceased to frequent our southern and northern rivers, owing to their being harassed by the spear of the Indian and the too numerous nets of the white men, have begun to revisit their former spawning beds and to new-stock our numerous water-courses. Besides the spear, the nets and the weirs, there were other obstacles to the ascent of the salmon to their spawning beds. What were these? First, the absence of fishway on the dams across the streams frequented by these fish, and next, the throwing into the waters of saw-dust, "slabs" and "*créates*," from the mills on those rivers.

This year a change took place. The owners of the mills at Rimouski, Métis and Matane, conforming themselves to the law with the greatest good will, have managed the internal arrangements of their mills in such a way that no saw-dust falls into the water, and the rivers are free from all those noxious substances.

Two new fish-ways; one on the Grande Matane River, the other on Cape Chat River, will enable the salmon to spawn once more in those rivers. These passes have been made with great care, and according to the newest models.

With such precautions, we may fairly expect to succeed; and a proof that the efforts of the Government have been crowned with success is that the take of salmon is greater by at least one-third this year than in 1866, although it was very good that year.

When I think of the little River Rimouski, which five years ago could hardly boast of being visited by a single salmon, and which has seen more than 200 couples spawning in its water this year, I may well say once more, that the Government by abolishing the use of the spear and of weirs, and by diminishing the number of nets and increasing the distance between them, has attained the end so much desired, namely, the new-stocking of our beautiful rivers, formerly so full of salmon and trout.

For this purpose even our owners of brush weirs have been subjected to regulations, and it is required by law that in each of these fisheries, in places frequented by these fish, there should be a net work, with meshes at least five inches apart, to insure the passage of any salmon left therein by the falling tide. The entrance to these fisheries must also be closed from Saturday night to Monday morning.

I may say here with pleasure that our fishermen have complied with these regulations with the best possible grace, and that they all understand that they must sooner or later profit by this system of protection.

As I shall observe under the head of spearing, very few contraventions of the Fisheries Act have taken place this year, and the fishermen in general are content, and not one of



them would now, I am sure, for any consideration, go back to the old system; and they much prefer paying for licenses which promise them protection and security, to running the risk to which they were exposed formerly of seeing strange fishermen who never fished there before, and whom, perhaps, they had never seen, fishing alongside of them. Thanks to the system of licenses, each fisherman has his own fishing ground, where he is never molested, and is always ready to take advantage of what the tide may bring him from day to day.

This system works well, I think; and it would be difficult to find a better and unadvisable, unless there were an evident diminution in the produce of the salmon fishery, to resort to different means of taking this fish.

I might refer to several rivers in which the salmon have increased in an extraordinary manner; but I will only speak of the Grand River in the County of Gaspé, in which, two or three years ago, it was difficult to take even a few salmon with nets. This year General Davis, from the United States, took 160 there with the fly, besides the number taken by the fishermen at their fishing stations. This, it seems to me, is a most satisfactory result.

To conclude, I will add, that according to the reports of all the Fishery Overseers, as well in the Bay of Chaleurs as on the north shore, more salmon than usual visited our rivers this year at spawning time, so that we may expect a large catch in 1868.

#### OF SPEARING.

For some years past the Government has been doing all it can to protect salmon and trout against the use by the Indians of that destructive weapon the fish-spear.

At first, out of kindness, the Montagnais and Micmac tribes of Indians were allowed the use of the spear, and were permitted to spear both the above kinds of fish, but on the express condition that they should kill fish in that way for their own use only, and should not sell any to white people.

But it was soon found that the Indians, abusing that exclusive privilege, not only gave salmon they had speared in exchange for goods, but also sold such salmon to traders for money, and that at a very low price in most cases, for the purchasers took advantage of the law being against them to pay them as little as possible.

The Government, seeing that, decided at once that the free use of the spear should be abolished, and that the Indians should enjoy the right of using that weapon only in such places as should be indicated in licenses to be granted to them by the Department, such as the River Bersimis, in whose waters they fish with nets and by torchlight, and the River Mingan where they have also leave to set nets during the visit of the Missionaries in summer.

Except in some cases, that part of the Fisheries Act has been very well obeyed this season, both on the North Shore where there were only two cases of contravention, and on the South Shore where not a single complaint of its violation was made. The fact is, that the Government, by stationing a Fishery Overseer at *Ste. Anne des Monts* this year, prevented a great number of fishermen in that neighborhood from indulging in their unlawful habit of spearing fish; and it is to be hoped that, by the use of such effectual measures, the beautiful River of *Ste. Anne des Monts*, which flows from beyond the Chicchacs, and which has some of the finest spawning beds in Canada, will be restored in a few years to its rank as one the best stocked with fish of all our Rivers.

I have a word to add on the subject of the Indians. Their privilege of spearing salmon and trout, by the use of which hundreds of families supported themselves during summer, having been in some degree curtailed, for the purpose of allowing our rivers to become new stocked, these poor people, particularly on the North Shore, find themselves in a very precarious position, for it must not be forgotten that seal fishing and duck shooting are no longer what they were fifty years ago. White men and civilization have caused the partial disappearance of these creatures, particularly within the last few years, when our fishermen from Gaspé and Bonaventure have found out that cod abounds on the North Shore of the River St. Lawrence, and have resorted thither in crowds. Nothing frightens and drives away seals like the noise and the constant coming and

going of fishing boats; so that the take of these animals, an object of great importance to the Indians, is now rarely good.

Another thing against them is that there are seal fishing stations on the coast of Labrador, which did not exist formerly, where a certain number of these animals are taken, some of whom would otherwise, perhaps, have fallen a prey to the guns of the Indians.

Owing to these different causes the poor Montagnais has only the produce of his winters' hunting to support his family with, and often, unfortunately, it is insufficient;—and what happens then? It happens that not being able to repay the considerable advances made to him by the Hudson Bay Company, he finds himself reduced to living upon the few ducks or seals he may happen to meet with. It is then that the idea of spearing fish takes possession of him, and he may sometimes yield to the temptation. This summer five or six Montagnais families went to Anticosti to catch seals; they only succeeded in taking a few of these animals. Thinking to do better they returned to the North Shore, and arrived at Mingan almost dying of hunger. It was on this occasion that a contravention of the Fisheries Act was committed;—a salmon was speared.

In my humble opinion the only way to prevent the Indians from spearing fish would be this:—As it is shown by the reports of the Local Fishery Overseers of the North Shore, that the Indians would never use the spear if they had provisions enough, and that it is only when they have not that they have recourse to that weapon, I really think that if, in order to remunerate them in some degree for their losses, the Government would be pleased to grant to the Indians on the North Shore a larger sum of money annually, and to those on the Bay of Chaleurs agricultural implements and seed grain, those people would come to understand that the Government is friendly to them, and only forbids them the use of the spear for the purpose of allowing salmon to increase, and would no longer indulge in the use of that weapon; and in a few years, particularly on the North Shore, the increase of that fish in our rivers would repay the expense incurred for the attainment of the desired object.

While on the subject of spearing, I may mention that on my last voyage to the Ristigouche this autumn, it was reported to me that a number of salmon had been speared during the season in the upper waters of that river on the New Brunswick side. I cannot say that was really the case, but it is to be hoped that it was not; for on the Lower Canada side the authorities appointed by that Government have for some years past shown so much ability and activity in the discharge of their duties, that it would be a pity to have to admit that their efforts have been unavailing, owing to the Fishery Laws not having been enforced as strictly in New Brunswick as in Lower Canada.

#### OF THE CURING OF FISH.

I have much to say on this subject; for the good or bad sale of our fish necessarily depends always on the manner in which it has been cured. Until now, our dried cod from Gaspé has always brought the best price, both for the Brazilian and Mediterranean markets, because it has not been found possible to dry it so perfectly elsewhere as there.—Moreover, our merchants of the coast of Gaspé do not send to those countries any cod that has not passed through the hands of a culler, whose duty it is to see that no cod of inferior quality gets mixed with the merchantable; and it follows, that their fish have always maintained the first rank in each of those markets.

Unfortunately, we do not take the same care, or observe the same precautions, with respect to salt fish—salmon, herring, mackerel, green cod, &c., &c., It is true, that such of these fish as are sent from the Bay of Chaleurs to the United States and to Barbadoes are subjected to inspection, and those are good; but how many are sent to Halifax, to Quebec and to Montreal that are not good, and are so badly cured as to be sold with difficulty, and with small profit to the vendor. It has happened more than once, that the purchaser of a barrel of codfish has found himself cheated by the barrel being half full of plaice or other fish. And the large salt cod, which after having been piled in the hold of a schooner, is stacked on a wharf after its arrival in town, and exposed to the dust blown about by strong autumn winds while waiting to be sold, cannot, it seems to me, appear to purchasers to be much value.

These are the reasons, I think, for the trifling estimation in which salt fish is generally held in our Canadian markets, and for the low price it brings there. And I venture to

believe, that if the salt fish destined for our markets were inspected before leaving the Bay of Chaleurs or the coast of Gaspé, or even after, dealers in fish from Montreal and Upper Canada, observing the improvement produced by such inspection, and being sure of always getting an article of good quality to buy, would return to our fish markets, and give a higher price to our fishermen for their goods, and make business brisk there once more. There is no doubt that for the reasons which I have enumerated, our markets for salt fish has a very bad name and it is to be hoped that a change may be effected, and that as soon as possible.

In order to understand this well, notice must be taken of the difference between our salt fish and those of the United States; their mackerel for instance, which when salted is as white as snow, and their autumn codfish put up in pretty, neat boxes, containing from fifty-six to one hundred and twelve pounds, about the quantity required by a family. This cod has been exposed to but one day's sun, or perhaps two, and is, therefore, not too hard, and just what is wanted for the table. It is with this fish that they supply the Upper Canada markets. Why have we not been beforehand with them there? Who prevented us? Is not the cod we take in the waters of the Gulf of as good a quality as that taken on the coast of the United States? It is not that; no, but the reason I think is this, that unfortunately we do not like innovations in these matters, and in the curing of fish we continue always to follow the same process; that followed in drying codfish is very good for the markets of hot countries, but as it does not answer so well for our own markets, why should we not adopt this new method of curing? For a great proportion of the autumn codfish which is sold at low prices in Quebec and Montreal markets, would have brought good prices if prepared in the manner I have mentioned. Even salmon is not salted or packed with sufficient care. I know there are exceptions to this, and that we often see well-cured salmon in our markets, but unfortunately the contrary case is of frequent occurrences.

Besides the fish I have just mentioned, there is another which has made its appearance of late years in our markets, and which is considered as affording one of our choicest articles of food, I mean the *Finnan Haddie* or smoked haddock, which comes to us from the United States, and which certainly could also be prepared by our fishermen, for it is well known that this fish comes on our coasts every year with the codfish. It cannot cost much to cure it, and it seems to me that we might find a profit in doing so, as well as our neighbours.

#### ARTIFICIAL OYSTER BEDS.

It has been a question for some years, whether artificial oyster beds could not be formed in the River St. Lawrence and in the Bay of Chaleurs. In order to decide this question, the Government has caused oysters to be brought from Caraquette and planted in different places—at the Magdalen Islands, in Gaspé Basin, at New Richmond, and, last year, at Bic.

For some reason or other, although the oysters were planted with all possible care, and according to the latest and most generally adopted European method, those plantations have, unfortunately, not succeeded.

There is something strange about the fate of some of these oysters. In 1859, Commander Fortin planted a certain number of barrels of oysters, from Caraquette, in Gaspé Basin; in 1862, the bed was examined, and oysters were found, full of life, and having all the well-known qualities of Caraquette oysters. It was generally thought, therefore, that the experiment had been successful. This year, however the bed was again examined by the aid of a rake, made expressly for the purpose, and oyster-shells filled with mud and covered with black mussels (*Mytilus aedulis*) were brought up, but not a single live oyster was found. The branches which had been laid over the oysters, in 1859, were brought to the surface also covered with these black mussels, but without any oysters attached to them.

But, then, how does it happen that, in 1862, three years after those oysters were planted, several were dredged up near Mr. Le Boutillier's property, and on being tasted by connoisseurs were declared to be excellent, and that none are now living? Is it that the waters and the bed of Gaspé Basin do not agree with them? But, in that case, how is it that they lived for three years there and then died all of a sudden?

Some people think that the failure of that plantation is due to the fact of the water in Gaspé Basin not being as salt as that in which those oysters lived at Caraquette ; others, on the contrary, say that it is too salt ; and some think that the bottom on which they were deposited is not hard enough, and has too much mud. The fact is that, at the Caraquette oyster-beds, I never remarked on the fishermen's rakes so much mud as the rake brought up in Gaspé Basin every time I used it, and this mud was black and stinking, and seemed, to me, to be different from that at Caraquette ; but, after all, it may well be that the death of the oysters at Gaspé is due to other causes.

As for those planted at the Magdalen Islands, in Basque Harbor, I cannot tell whether they have succeeded in living there or not, for every time we have been there, the wind, which blows almost continually at those Islands, has always prevented us from dredging in that spot ; and even this summer we could only throw our dredge once, and then we were obliged to come on board again immediately.

Owing to wind and weather, also, the bank at New Richmond has not been examined.

Last year, fifty barrels of Caraquette oysters were planted in the harbor of Old Bic. In the spring of 1867, branches were placed over this bed ; but when a search was made, in the course of the summer, no oysters were found. I have since learned (this autumn) that, some time after they had been deposited in that place, a north-easterly storm came on, causing a heavy swell in the harbor, by which the oysters were lifted from the bottom, so that the most of them were found on the shore at Apple Island, broken to pieces on the rocky bottom of the harbor there.

The fact is that Bic is not at all a good place to plant oysters ; in the first place, the bottom, which is composed of a little mud and a great number of pebbles, certainly can not be suitable for them, for no stones are to be seen on the beds at Caraquette ; and, in the next place, even supposing that the bottom was good, and that oysters could live there, would there be room enough in that harbor for more than one or two schooners to load at a time ? I do not think so. The Bay at *Cap à l'Original* is of similar formation, and presents the same disadvantages.

This autumn, in those two bays, after having sounded with all possible care and attention, I could only find two places, of a few hundred yards in superficiality where the bottom seemed more suitable than elsewhere, being composed of mud and sand, and in those places I deposited fifty barrels of oysters—twenty-five barrels in each bay. They are in from one and a half to two fathoms of waters, at low tide. Will they succeed in keeping alive there ? I doubt it, very much.

For an oyster-bed to have any commercial value, it must be in such a place that fishermen can work at it every day ; and that schooners coming to load may lie in safety, and take the oysters on board in all weathers. Gaspé Basin unites all these advantages ; but I think, Old Bic Harbor is too much exposed to the swell caused by the north-east wind to admit of fishing for oysters there at all times.

Seven Islands Bay, it seems to me, would be one of the best and safest, and most favorable place for the prosecution of this branch of trade, if we could only succeed in getting oysters to live there. Hundreds of schooners could load there, and seldom, I think, would the fishermen be stopped in their work by the wind.

I was told this very summer, that oysters were found some years ago on one of the many shoals in Seven Islands Bay, on which some could probably be planted. The experiment has not yet been made ; but if we could succeed in establishing oyster beds there, the extent of that bay and its sheltered situation would make it a place of great importance to us.

#### GAME LAW.

This law has been obeyed this year all along our coasts, with the exception of the clause respecting the gathering of wild bird's eggs on the Islands off the coasts of Labrador.

After the confiscation of the *Ocean Bride* and her cargo, and the imprisonment of the crew, in 1865, it was hoped that this unlawful traffic would cease ; and indeed in 1866 no schooner fitted out for that purpose visited our coasts. But this year they returned to the charge, to the number of four, it is said, in the beginning of June, and dispersed to different parts of the coast, and set to work at once to collect the eggs of the different wild fowl, which they despatched towards the end of that month and in the beginning

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of July to Halifax. These eggs, it is well known sell for from 25 cents to 30 cents a dozen ; and as it does not take much time to gather them, and a schooner can make the whole voyage in the short space of one month, there is a considerable return of profit for a very trifling expense in the way of outfit ; and this is what induces those people to return to our coasts on this errand, although they know the law is against them, and that they expose themselves to the risk of losing both vessel and cargo.

To put a stop to this it would be necessary that the Government vessel should remain off the coast of Labrador, cruising between Coacoachoo and Sheep Bay, from the 10th June till the beginning of July.

But the difficulty is that during that time the presence of the armed vessel is required at the Magdalen Islands, where there are at that time a number of schooners come to fish for mackerel, and off the coast of Gaspé, where fishing licenses have to be distributed, and where, during salmon fishing, fishermen are apt to commit infractions of the Fisheries Act.

Until now the crews of these schooners, which for the most part came from Nova Scotia, once out of the reach of the Canadian authorities had nothing to fear, and could sell their cargoes without any danger ; and it will only be when the game laws are the same in all the Provinces, and this traffic will be no more permitted at Halifax than it is here, that these expeditions to our coasts will cease, and that our wild fowl, left to themselves, will more be able to increase in number, so that our Islands will be stocked with them as they were formerly ; for the inhabitants of those coasts testify that these fowl are fewer in number now than they were a few years ago, and this decrease can only be attributed to the carrying away of their eggs every year by these fowlers.

The whole, nevertheless, humbly submitted.

THÉOPHILE TÉTU.

# REMARKS

ON THE

## FISHERIES AND THEIR PRODUCE THIS SEASON.

### FIRST DIVISION.

#### MAGDALEN ISLANDS.

##### SEAL-HUNTING ON THE ICE FROM SCHOONERS.

On the 21st of March, 12 schooners, 15 of which belonged to House Harbor and six to Amherst Harbor, manned by 180 sailors, left the Islands to hunt for seals on the ice in the Gulph. There were, therefore, 4 Schooners less than in 1860, but for all that they brought back more seals, for the Report shows that only 2,434 were taken in 1866, and this year the crews of those 18 Schooners killed 3,210, so that there is an increase of 776 over 1866,—but there is a decrease as compared with 1865. In short, the results of this hunt can only be considered as middling.

It was not because seal were scarce on the ice in the Gulf that this hunt was not more remunerative; but it was the prevalence of unfavorable winds and the difficulty of forcing a passage through the ice and getting to the herds of seals that prevented our fishermen from killing a greater number of them.

##### SEAL HUNTING ON THE ICE AROUND THE MAGDALEN ISLANDS.

If the crews of the schooners did not succeed very well among the fields of ice in the Gulf, the inhabitants of the Islands, particularly those residing near South-west Cape, Amherst Island, had a rich harvest to gather, for fields of ice covered with herds of young seals grounded near the Islands, and they killed 7,200 with sticks in a few days. This was a great God-send for them, for want was beginning to be felt, and the traders, fearing a bad season, were not willing to advance much to the fishermen, so that nothing short of such a good stroke of fortune was required to restore the credit of the inhabitants of the Magdalen Islands.

These 7,200 seals, added to the 3,210 killed from the schooner, gives a total of 10,410 of these amphibious animals taken this year in the first division. So good a hunt had not been made for a long time, as will be seen by the following table:—

In 1861.....	2,750	seals taken.
“ 1862.....	9,194	“ “
“ 1863.....	3,959	“ “
“ 1864.....	1,622	“ “
“ 1865.....	4,396	“ “
“ 1866.....	2,434	“ “
“ 1867.....	10,410	“ “

As this fishery varies in this way every year, it is easy to understand that its produce is always uncertain, and that everything depends upon the currents and winds that prevail during the hunting season, and their causing, or not causing, ice fields to ground near these Islands.

## SPRING HERRING FISHING.

Never have herrings been seen in greater numbers at the Magdalen Islands than this Spring. Not only Pleasant Bay but even Amherst Harbor was full of them, and if our fishermen had been able to find a market where this fish could have been sold at any profit whatever, numbers of barrels of herrings would have been sent to it. But a high duty on this fish has closed the ports of the United States against its exportation to that country, so that our fishermen in these Islands are unable to profit by this bountiful supply which Providence sends them every spring.

Thirty-eight foreign schooners, 19 of which were from the United States, 16 from Prince Edward Island, 2 from Nova Scotia, and 1 from New Brunswick, manned by 114 sailors, came to fish for herrings at the Islands, and carried away, in a few days, 11,820 barrels, which, added to the quantity taken and salted by our fishermen for exportation to Quebec, Montreal, and Halifax, and for home consumption, (3,810 barrels), gives a total of 15,630 barrels of herrings taken this spring at the Magdalen Islands.

## QUANTITY OF HERRINGS TAKEN.

In 1866, by the inhabitants.....	3,316 barrels.
“ by strangers.....	7,577 “
Total.....	10,893 “
In 1867, by the inhabitants .....	3,810 barrels.
“ by strangers.....	11,820 “
Total.....	15,620 “

## SPRING MACKEREL FISHING.

Mackerel, as well as herring, came in abundance to Pleasant Bay this spring. On the 5th of June some were taken for the first time in nets, but it was not until the 12th that the maximum was reached.

Fourteen Schooners, most of them from Nova Scotia and New Brunswick, came there to fish for them, and had ample success.

## QUANTITY OF MACKEREL TAKEN.

In 1865, by the inhabitants.....	500 barrels.
“ by strangers.....	455 “
Total .....	955 “
In 1866, by the inhabitants.....	1,050 barrels.
“ by strangers.....	274 “
Total .....	1,324
In 1867, by the inhabitants.....	634 barrels.
“ by strangers .....	2,340 “
Total,.....	2,974 “

## SUMMER COD FISHING.

During the last two years, our fishermen, particularly those from Alright Island and *Grosse Isle*, have applied themselves with more ardor than ever to fishing for summer mackerel with the line, as the Americans do, and have succeeded very well, and as this fish always commands a tolerably high price in the Halifax market, they were enabled by this fishing to compensate themselves for the failure they had met with in the cod fishing.

According to information, collected with care on the spot, this year's fishing has been one-third better than that of 1866, although that was very good.

This is a proof that our mackerel fishers are making progress; for, as I have already observed, the Americans had not as much success as usual in this fishing this year, because the mackerel would not come to the surface. But for all that our fishermen made a better year than usual, and took almost double the quantity taken in 1866, and more than treble that taken in 1865.

QUANTITY OF SUMMER MACKEREL TAKEN.

In 1865.....	952 barrels.
" 1866.....	1,700 "
" 1867.....	3,157 "

AUTUMN COD FISHING.

I have very little to say about this fishing. The bad weather and the continual storms which prevailed more than ever this autumn at the Magdalen Islands prevented our fishermen, for all their zeal and well-known courage, from applying themselves to that branch of industry as much as they would have wished. The fact is that, during three weeks no fishing boat was able to go out; and, on one occasion in particular, several fishermen were nearly lost; and, if it had not been for some American schooners—fishing for mackerel in that quarter—picking up some boats, carried away by a storm, several fishermen would probably have lost their lives. Bad weather, therefore, and not scarcity of cod-fish, was the cause of the want of success in this fishing.

AUTUMN CODFISH TAKEN.

In 1866.....	1,790 cwt.
" 1867.....	529 "

HADDOCK FISHING.

This fish is taken chiefly at *l'Etang du Nord* and Amherst Island. It is much inferior in value to cod, but yet it always sells, at a good profit, in the Brazilian market. This fishing was better this year, in proportion, than cod fishing.

QUANTITY OF HADDOCK TAKEN.

In 1865.....	435 cwt.
" 1866.....	370 "
" 1867.....	540 "

CODS' SOUNDS AND TONGUES.

Twenty seven barrels.

FLOUNDER FISHING.

Sixty-one barrels of flounders were taken this year at the Magdalen Islands.

EEL FISHING.

Forty-five barrels.

STICKLE-BACK FISHING.

One hundred and fifty barrels were taken for use as manure.



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 RECAPITULATION.
*Seal Hunting.*

Seals killed by crews of schooners.....	3,210, @ \$5.50.	\$ 17,655 00
Seals killed on the ice near the islands.....	7,200, @ \$4.00.	\$ 28,800 00

*Herring Fishing.*

3,810 barrels, @ \$2.50 per barrel.....		9,525 00
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*Spring Mackerel Fishing.*

634 barrels, @ \$6.00 per barrel.....		3,804 00
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*Summer Cod Fishing.*

7,389 cwt., @ 18s. the cwt.....		26,600 40
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*Summer Mackerel Fishing.*

3,157 barrels, @ \$10 per barrel.....		31,570 00
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*Autumn Cod Fishing.*

529 cwt., @ 18s. the cwt.....		1,904 40
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*Haddock Fishing.*

540 cwt., @ 13s. the cwt.....		1,404 00
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*Cods' Tongues and Sounds.*

27 barrels, @ \$8 the barrel.....		216 00
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*Flounder Fishing.*

61 barrels, @ \$5 per barrel.....		305 00
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*Eel Fishing.*

45 barrels, @ \$8 per barrel.....		360 00
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*Stickle-Back Fishing.*

150 barrels, @ 1s. 3d. per barrel.....		37 50
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*Cod-Liver Oil.*

6,637 gallons, @ 70 cts. per gallon.....		4,645 90
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 \$126,826 40
*Total value of the products of the Fisheries in this Division.*

In 1867.....	\$126,826 40
" 1866.....	105,067 00
" 1865.....	112,049 00
" 1764.....	86,590 05

It will be seen by this table that although the cod fishing at the Magdalen Islands, yielded less than in 1866, yet, including the summer mackerel fishing and the seal hunting, the total value of the different fisheries in this division is greater this year than the

preceding years. It must also be observed that the cods' livers were much fatter, and consequently furnished much more oil than usual; 100 quintals yielded this year 80 gallons instead of 60, which is the usual quantity.

*To sum up, at the Magdalen Islands this year,*

The summer cod fishing was one-third less than in.....	1866.
The mackerel fishing was one-third better than in.....	"
The seal hunting was two-thirds better than in.....	"

## SECOND DIVISION.

This Division includes the Counties of Bonaventure, Gaspé (with the exception of the Magdalen Islands), and a part of the County of Rimouski.

### HERRING FISHING.

This fishing was better this year than in 1865, and if, as I have already remarked, our herring could be exported with profit to the United States, the gains from its sale this year would have been very great, for seldom has it been on our coasts in so great abundance.

#### QUANTITY OF HERRING TAKEN

*In the County of Bonaventure.*

In 1867.....	16,280 barrels.
" 1866.....	10,887 "

*In the County of Gaspé.*

In 1867.....	5,059 "
" 1866.....	4,202 "

*In the County of Rimouski.*

In 1867.....	3,180 barrels.
" 1866.....	4,180 "
Total quantity in 1867.....	24,519 "
" 1866.....	19,216 "

There is a slight decrease in the County of Rimouski; but that is more than covered by the considerable increase in the other two counties. Besides that, I may mention that instead of the 2,800 boxes of herring cured by smoking in the County of Bonaventure in 1865, we have 7,070 boxes this year.

### SUMMER COD FISHING.

It will be seen by the following table that although this fishing was not very good this year, still it yielded more than it did in 1866.

*County of Bonaventure.*

In 1867.....	5,324 cwt.
" 1866.....	4,713 "

*County of Gaspé.*

In 1867.....	75,168 cwt.
" 1866.....	61,762 "

*County of Rimouski*

In 1867.....	2,521 cwt.
“ 1866 .....	3,608 “
Total in 1867.....	83,013 “
“ 1866.....	70,083 “

This gives a balance of 12,930 cwt. of cod in favor of this year, which is a good deal; and that too notwithstanding the decrease in the County of Rimouski, which is due in part to the scarcity of cod along the shores of that country this summer, and in part to the smaller number of fishermen employed this year in that part of the second division.

## AUTUMN COD FISHING.

If it had not been that high winds prevented our fishermen from going to the banks this autumn, this fishing would have been very good; for every time that our fishing boats could get out they came back loaded with cod.

*County of Bonaventure.*

In 1867.....	4,880 cwt. of cod.
“ 1866.....	4,616 “

*County of Gaspé.*

In 1867.....	26,359 cwt. of cod.
“ 1866.....	21,591 “

*County of Rimouski.*

In 1867.....	1,550 cwt. of cod.
“ 1866.....	1,178 “

## HADDOCK FISHING.

In 1867.....	2,090 cwt.
“ 1866.....	1,728 “

## BRILL FISHING.

In 1867 .....	161 cwt.
“ 1866 .....	213 “

## FLOUNDER FISHING.

Our fishermen took more flounders than usual this year in this division. It was chiefly on the South Shore of the St. Lawrence that this fish appeared in greater abundance than usual.

In 1867 .....	761 barrels.
“ 1866 .....	487 “

## MACKEREL FISHING.

This fishing was better this year than in 1866.

In 1867 .....	363 barrels.
“ 1866 .....	181 “

## TUNNY FISHING.

In 1867.....	10 barrels.
“ 1866.....	10 “

WHALE FISHING.

As I have already observed, this fishing was very good this year.

NUMBER OF GALLONS OF WHALE OIL.

In 1867 .....	25,890 gallons.
" 1866 .....	12,330 "

SARDINE FISHING.

For some reason that I am not aware of, the sardine fishing in the County of Rimouski did not yield as much this year as in 1866. The fact is, that the number of this fish, as well as of caplin and smelts, resorting to our coast varies every year.

In 1867.....	1,525 barrels.
" 1866.....	2,552 "

EEL FISHING.

In 1867 .....	130 barrels.
" 1866 .....	98 "

SALMON FISHING.

It is pleasing to observe the great increase of salmon in this division; and this increase is very marked since 1865, as may be seen by the following comparative statement:—

	1865.	1866.	1867.
County of Bonaventure.....	299 barrels.	424 $\frac{3}{4}$ barrels.	536 barrels.
" Gaspé.....	217 $\frac{3}{4}$ "	278 $\frac{1}{2}$ "	414 $\frac{1}{2}$ "
" Rimouski .....	16 $\frac{3}{4}$ "	14 $\frac{1}{2}$ "	37 $\frac{1}{2}$ "
	<u>533<math>\frac{1}{2}</math> "</u>	<u>717<math>\frac{1}{4}</math> "</u>	<u>988 "</u>
Increase in 1867.....			270 $\frac{1}{4}$ barrels.

This fishing has, therefore, been better by one-third than in 1866. It seems to me that this is a very good result of the efforts of the Government, and proves that they have not been in vain. Besides this, I may mention that our rivers were visited by a greater number of salmon than usual at the spawning season.

And by adding a fifth for the salmon that would have been taken between Saturdays and Mondays if the nets had not been raised during those intervals, as required by law, and 40 barrels more that would also have been taken, if instead of 250 yards between the nets there had been only 200 as formerly, the following result of this fishing in this division this year will be shewn to have been possible:—

Quantity taken this year.....	988 barrels.
Add one-fifth.....	197 "
Lost by greater distance between the nets .....	40 "
Total .....	<u>1,225 barrels.</u>

This shows clearly that our rivers improve from year to year. I have pleasure also in being able to say that our Fishery Overseers and Fishermen have worked together for some years past, and done all in their power to secure the observance of the Fisheries Act.

TROUT FISHING.

This fishing along the coast and in the rivers, yielded 64 $\frac{3}{4}$  barrels this year.

SMOKED HERRING (IN BOXES).

An increase in the quantity of smoked herring is also observable:—

In 1867 .....	7,070 boxes.
" 1866.....	2,800 "

## CODS' SOUNDS AND TONGUES.

In 1867.....	3591 <sup>1</sup> / <sub>4</sub> barrels.
“ 1866 .....	200 <sup>1</sup> / <sub>2</sub> “

## FISH USED AS MANURE.

*Caplin.*

We never knew more caplin to visit the coasts of the Bay of Chaleurs, than this year, and our fishermen took a great number. At Paspébiac, I saw 1,000 barrels of this fish that had been taken in one night.

According to my notes and those of the Fishery Overseers, 10,080 barrels were taken this year. In 1866 we counted only 8,802 barrels.

*Herring.*

Four thousand one hundred and twenty barrels were used as manure. This is more than in 1866, and is owing to the large quantity of herring that came to our coasts this spring.

*Plaice.*

At Carleton and at Maria, only 400 barrels were taken.

*Smelt.*

Three thousand five hundred barrels were caught, besides the quantity taken by our fishermen for bait.

*Cods' Heads.*

I could not ascertain the number of cods' heads used as manure in the County of Bonaventure; 698 barrels were employed for that purpose.

## RECAPITULATION.

*Herring Fishing.*

County of Bonaventure, 16,280 barrels, @ \$3 .....	\$33,840 00
Gaspé, 5,059 do do .....	15,177 00
Rimouski, 3,180 do do .....	9,540 00
<b>Total,</b> 24,519 barrels.	

*Summer Cod Fishing.*

County of Bonaventure, 5,324 cwt., @ \$3.60.....	19,166 40
Gaspé, 75,168 do do .....	270,604 80
Rimouski, 2,521 do do .....	9,075 60
<b>Total,</b> 83,013 cwt.	

*Autumn Cod Fishing.*

County of Bonaventure, 4,880 cwt., @ \$3.60.....	17,568 00
Gaspé, 26,359 do do .....	94,892 40
Rimouski, 1,550 do do .....	5,580 00
<b>Total,</b> 32,789 cwt.	

*Haddock Fishing.*

2,090 cwt., @ \$2.60 the cwt.....	5,434 00
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*Brill Fishing.*

161 cwt., @ \$2.60 the cwt.....	418 60
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<i>Flounder Fishing.</i>	
761 barrels, @ \$5 .....	\$3,805 00
<i>Mackerel Fishing.</i>	
363 barrels, @ \$10 per barrel .....	3,630 00
<i>Tunny Fishing.</i>	
10 barrels, @ \$5 per barrel.....	50 00
<i>Whale Fishing.</i>	
25,890 gallons, @ 80 cts .....	20,712 00
<i>Sardine Fishing.</i>	
1,525 barrels, @ \$5 per barrel.....	7,625 00
<i>Eel Fishing.</i>	
130 barrels, @ \$10 per barrel.....	1,300 00
<i>Salmon Fishing.</i>	
988 barrels, @ \$12 per barrel.....	11,856 00
<i>Trout Fishing.</i>	
64 $\frac{3}{4}$ barrels, @ \$10 .....	647 50
<i>Smoked Herring.</i>	
7,070 boxes, @ 25 cts .....	1,767 50
<i>Cods' Tongues and Sounds.</i>	
359 $\frac{1}{4}$ barrels, @ \$7 .....	2,518 25
<i>Caplin used as Manure..</i>	
10,080 barrels, @ 25 cts. per barrel .....	2,520 00
<i>Herring used as Manure.</i>	
4,120 barrels, @ 25 cts. per barrel.....	1,030 00
<i>Plaice used as Manure.</i>	
400 barrels @ 25 cts. per barrel.....	100 00
<i>Smelts used as Manure.</i>	
3,500 barrels, @ 25 cts. per barrel .....	875 00
<i>Cods' Heads used as Manure.</i>	
693 barrels, @ 25 cts. per barrel.....	173 25
<i>Cod Liver Oil.</i>	
73,529 gallons, @ 70 cts.....	51,470 30

<i>Porpoise Oil.</i>	
240 gallons, @ \$1.....	240 00
<i>Porpoise Oil.</i>	
290 gallons, @ 60 cts.....	474 00
Total.....	<u>\$607,090 00</u>

*Total value of products of the fisheries in this division.*

In 1867.....	\$607,090 60
“ 1866.....	549,836 70

It must not be forgotten that the price of codfish, salmon and oil, was much lower than in 1866. This accounts for the difference in value of products in this division between the two years not appearing to be so great as might have been expected.

### THIRD DIVISION

This division includes the North Shores of the Saint Lawrence and of the Gulf, from Bersimis to Blane Sablon, and the Island of Anticosti.

#### SPRING SEAL HUNTING.

Only 529 seals were taken this spring. This is owing to the ice having prevented our fishermen from setting their nets at the proper time. The take was less than that of 1866.

Seals taken in 1867.....	529
“ “ 1866.....	865

#### SEAL HUNTING ON THE ICE FROM SCHOONERS.

This year's hunt was not a good one, although it was better than those of preceding years, as the following figures will show. Nineteen schooners were engaged in it this spring; they belonged to the under-mentioned places:—

Esquimaux Point.....	13 schooners.
Natashquan.....	3 “
Kégasca.....	3 “
Total.....	<u>19 schooners.</u>

#### NUMBERS OF SEALS KILLED.

In 1867.....	6,073
“ 1866.....	2,782
“ 1865.....	4,077
“ 1864.....	5,154

By adding to the number of seals killed in this way this year, that of those taken by the inhabitants of the Coast of Labrador during the summer, and killed by Indians and white men, which amounts to 1,963, divided as follows:—

Seals taken in nets during the summer.....	363
“ killed by Indians.....	1,000
“ “ by white men.....	300
“ “ at Anticosti.....	300.

Total.....	<u>1,963 seals.</u>
We obtain a grand total of.....	8,036 seals.

SUMMER COD FISHING.

This fishing, though more productive this year than in 1866, was not to say good ; cod appearing only at some places, as Blanc Sablon, Magpie Point, and Thunder River. At other places our fishermen could hardly take any.

QUANTITY OF SUMMER CODEFISH TAKEN.

In 1867.....	27,489 cwt.
In 1866.....	22,489 "

MACKEREL FISHING.

No mackerel was taken in this Division this year.

AUTUMN COD FISHING.

I am sorry to say that this fishing was almost a nullity, seeing that only 1,512 cwt. were taken. Bad weather and scarcity of fish were the cause of this failure.

FLOUNDER FISHING.

Three hundred and eighty-six barrels were taken.

AUTUMN HERRING FISHING

This fish scarcely showed itself on our coasts, and our fishermen were obliged to go to Newfoundland, and to those parts of the coasts of Labrador which belong to that Province.

Autumn herring.....	4,344 barrels.
“ “ taken away by schooners from Quebec and the parishes.....	1,000 “
Total.....	5,344 “

AUTUMN SEAL FISHING (1866).

One thousand four hundred and twenty-six seals were taken in the autumn of 1866 ; but was only middling success. Cold and bad weather were the cause of this.

SALMON FISHING.

I need not repeat here that this fishing, like that in the District of Gaspé, was better here this year than in 1866, although in that year it was very good. The rapid increase of this fish is remarkable, and all those who have visited the numerous spawning-beds in the rivers of this division report that salmon have resorted thither this year in greater numbers than usual.

At the River Noisie 108 barrels\* more than in 1866 were taken, and the same proportion obtained at all the salmon fishing station in this Division.

According to the most reliable accounts, 1,732½ barrels of this fish were taken this year in this division. In 1866 but 1,240½ barrels were taken. There is, therefore, an increase of 492 barrels ; and it must not be forgotten that the fishing was good last year.

To this number of 1,732½ barrels must be added the salmon that would have been taken in the following rivers if they had not been closed. I add a third to the yield in 1866:—

Mistassini River.....	5 barrels.
Becsie “ .....	5 “
Godbout “ .....	70 “
Godbout Bay.....	30 “
Trinity River.....	40 “



Ste. Marguerite River.....	40 barrels.
Mingan " .....	70 "
Romaine " .....	43 "
Corneille " .....	6 "
Great Watsheeshoo " .....	32 "
Natashquan " .....	150 "
<hr/>	
Total.....	491 barrels.

This would give 2,223½ barrels, and by adding to this number, as we did with respect in the Second Division, one-fifth for the salmon lost between Saturdays and Mondays, and 30 barrels for the increased distance between the nets, we shall obtain a gross total of 2,109½ barrels as the quantity which our salmon fisheries in the County of Saguenay would have yielded us this year, if we had worked them as we did four years ago.

By adding together the quantities of salmon taken in the Second and Third Divisions, we have for this year 2,720½ barrels of salmon, being an increase of 768½ barrels over last year, and that without the River Natashquan having been fished.

Trout.....	48 barrels.
Cod oil.....	22,920 gallons.
Whale oil.....	309 "
Oil.....	10 "

### RECAPITULATION.

#### *Spring Seal Hunting.*

529 seals @ \$6.50..... \$3,438 50

#### *Seal Hunting from Schooners.*

6,073 seals, @ \$5.50..... 33,401 50

#### *Seals taken in nets this summer.*

363 seals, @\$1.00..... 1,452 00

#### *Seals shot by Indians.*

1,000 seals, @ \$4.00..... 4,000 00

#### *Seals shot by White Men.*

300 seals, @ \$4.00..... 1,200 00

#### *Seals killed at Anticosti.*

300 seals, @ \$4.00..... 1,200 09

#### *Summer Cod Fishing.*

16,489 cwt., @ \$3.60..... 98,960 40

#### *Autumn Cod Fishing.*

1,512 cwt., @ \$3.60..... 5,443 20

#### *Flounder Fishing.*

286 barrels, @ \$5.00..... 1,930 00

#### *Autumn Herring Fishing.*

4,344 barrels, @ \$5 per barrel..... 21,720 00

<i>Herring taken away by Schooners from Quebec and the Parishes.</i>	
1,000 barrels, @ \$5.00.....	5,000 00
<i>Autumn Seal Fishing (1866).</i>	
1,426 seals, @ \$6.50.....	9,269 00
<i>Salmon Fishing.</i>	
1,782½ barrels, @ \$12 per barrel.....	20,793 00
<i>Trout Fishing.</i>	
48 barrels, @ \$10 per barrel.....	480 00
<i>Cod's Tongues and Sounds.</i>	
12½ barrels, @ \$7 per barrel.....	87 50
<i>Cod Oil.</i>	
22,920 gallons, @ 75 cts.....	16,044 00
<i>Whale Oil.</i>	
309 gallons, @ 80 cts.....	247 20
<i>Porpoise Oil.</i>	
10 gallons, @ 60 cts.....	6 00
Total.....	<u>\$224,672 30</u>

## GENERAL RECAPITULATION.

*Total value of products in Third Division.*

In 1867.....	\$224,672 30
In 1866.....	180,109 50

*Total value of products of Fisheries in the Gulf and the lower part of the River St. Lawrence in 1867.*

First division.....	\$126,826 40
Second division.....	561,090 60
Third division.....	224,672 30
Total.....	<u>\$912,589 30</u>
In 1866.....	<u>\$835,013 20</u>
Difference in favor of 1867.....	\$77,576 10

THÉOPHILE TETU.

STATEMENT of the Number of Schooners from the Magdalen Islands, and from the North Shore of the Gulf of St. Lawrence, employed in Seal hunting on the ice in 1867; shewing the name of each Schooner, the name of the Captain, the tonnage, the number of sailors, and the number of seals killed.

## Schooners from Amherst Harbor in 1867.

Names of Schooners.	Names of Captains.	Tonnage.	Number of hands.	Number of Seals killed.	Value of Seals.	Remarks.
					\$ cts.	
"Cutter" .....	J. Vigneault .....	27	10	75	412 50	These schooners left Amherst Harbor for the ice on the 24th of March.
"Flora" .....	Th. Boudreau .....	34	10	75	412 50	
"Eugénie" .....	G. Cormier .....	30	10	120	660 00	
"Sarah" .....	H. Boudreau .....	23	10	120	660 00	
"Espérance" .....	D. Boudreau .....	51	10	150	825 00	
"Marie-Louise" .....	E. Migneault .....	30	10	150	825 00	
Total .....		195	60	690	\$3,795 00	

## Schooners from House Harbor.

"Flirt" .....	L. Arseneau .....	46	10	180	990 00	These schooners left House Harbor for the ice at the same time as those from Amherst Harbour.
"Dolphin" .....	O. Richard .....	52	10	180	990 00	
"Mary Ann" .....	A. Arseneau .....	36	10	80	440 00	
"Emélite" .....	Ed. Bourque .....	27	10	80	440 00	
"Tempérance" .....	E. J. Arseneau .....	36	10	430	2365 00	
"Jenny Lind" .....	P. Turbide .....	39	10	430	2365 00	
"Annie" .....	Wm. Terriau .....	41	10	220	1210 00	
"Archangel" .....	M. Jonphe .....	40	10	220	1210 00	
"Two Brothers" .....	R. Delaney .....	42	10	170	935 00	
"Greenock" .....	D. Terriau .....	39	10	170	935 00	
"Mary" .....	N. Arseneau .....	40	10	180	990 00	
"Onésime" .....	M. Richard .....	42	10	180	990 00	
Total .....		480	120	2,520	\$13860 00	

## Schooners from Esquimaux Point.

"Veneleo" .....	P. Doyle .....	33	10	591	3250 50	These schooners left for the ice about the 23rd of March, and returned at the end of April.
"Mariner" .....	E. Landry .....	23	10	354	1947 00	
"Eugénie" .....	A. Vallée .....	40	10	244	1342 00	
"Victoria" .....	G. Cormier .....	52	10	217	1193 50	
"Amélie" .....	X. Cormier .....	47	10	591	3250 50	
"Wide Awake" .....	V. Vigneault .....	42	10	305	1677 50	
"Alphonsine" .....	Chas. Lebrun .....	23	10	424	2332 00	
"Three Brothers" .....	X. Boudreau .....	35	10	424	2332 00	
"Constantine" .....	J. Boudreau .....	45	10	300	1650 00	
"Racer" .....	D. Costin .....	35	10	83	456 50	
"Lady" .....	J. Muldoon .....	30	10	442	2431 00	
"Ailsa" .....	F. Cummings .....	40	10	430	2365 00	
"Iberville" .....	N. Boudreau .....	36	10	243	1336 50	
Total .....		481	130	4448	\$25564 00	

STATEMENT of the Number of Schooners from the Magdalen Islands and the North Shore of the Gulf of St. Lawrence, &c.—*Continued.*

Schooners from Natashquan.

Names of Schooners	Names of Captains.	Tonnage.	Number of hands.	Number of Seals killed.	Value of Seals killed.		Remarks.
					\$	cts.	
"Notre-Dame de Mars."	D. Talbot .....	20	7	225	1237	50	These schooners left Natashquan on the 24th March, and returned at the end of April.
"Notre-Dame de la Garde".....	H. Vigneault.....	22	7	350	1925	00	
"Espérance".....	J. Landry .....	22	7	350	1925	00	
Total.....		64	21	925	\$5087	50	

Schooners from Kegasca.

"G. S. Risser" .....	S. Foreman .....	65	10	200	1100	00	These schooners left and returned at about the same time as those from Natashquan.
"Hirondelle" .....	Jules Poirier .....	27	10	200	1100	00	
"Marie Julie" .....	Simon Bourque.....	26	10	300	1650	00	
Total.....		118	30	700	\$3850	00	

RECAPITULATION.

Total number of Schooners.	Total number of Tons.	Total number of hands.	Total number of Seals killed.	Total value of Seals.
37	1338	361	923	\$ cts. 52156 50

SEALS taken during the autumn of 1866, and during the season of 1867.

Names of Fishermen.	Stations.	Fathoms of Nets.	Autumn Fishing, 1866.	Spring Fishing, 1867.	Seals killed during the summer of '67.	Seals killed on the ice in the spring of 1867.	Remarks.
LeBoutillier & Bros...	Wood Island .....	300	.....	64	.....	.....	The trifling success of our fishermen herein was owing to the quantities of ice in the Straits of Belle-Ile last autumn and this spring, which prevented them from setting their nets at the proper time.
Narcisse Dumas .....	Blanc Sablon .....	300	.....	40	.....	.....	
Charles Dicker .....	Long Point .....	260	.....	5	.....	.....	
John Bodman .....	do .....	180	.....	23	.....	.....	
Baptiste Dumas .....	do .....	210	.....	27	.....	.....	
Wm. Fruing & Co .....	do .....	220	.....	80	.....	.....	
Widow G. Labadie .....	Sondy Bay .....	180	.....	60	.....	.....	
William Labadie .....	Pointe à la Barque .....	140	.....	5	.....	.....	
Wm. Jones & Co .....	Bradore Bay .....	600	.....	30	.....	.....	
Louis Jones .....	do .....	100	.....	24	.....	.....	
Harriet Griffith .....	Five Leagues .....	140	.....	27	.....	.....	
Andrew Duke .....	do .....	100	.....	14	.....	.....	
Harry Sanson .....	Little Fishery .....	80	.....	22	.....	.....	
James Buckle .....	Bonne Espérance .....	275	.....	6	.....	.....	
Léger Lévesque .....	Burnt Island .....	400	.....	49	.....	.....	
Thomas Hule .....	Dog Islands .....	75	.....	20	.....	.....	
Daniel Robin .....	Old Fort .....	150	.....	2	.....	.....	
Thomas Morris .....	Canso Harbour .....	90	.....	.....	15	.....	
Wm. Fruing & Co .....	Anse du Portage .....	250	100	.....	.....	.....	
Jean Legouvé .....	Whale Head .....	250	6	.....	.....	.....	
André Roi .....	Fonderie de Facteau .....	60	.....	.....	25	.....	
Jacques McKinnon .....	Kikapos .....	290	12	.....	.....	.....	
Joseph Gallichon .....	Salt Lake .....	350	53	.....	.....	.....	
Wm. Buckle .....	La Tabatière .....	800	380	.....	.....	.....	
B. Reeds .....	Sheep Bay .....	.....	.....	.....	12	.....	
Samuel Robertson .....	La Tabatière .....	700	247	.....	.....	.....	
Xavier Gallibois .....	Red Bay .....	140	2	.....	.....	.....	
François Lévesque .....	Grand Meccatina Island .....	350	50	.....	.....	.....	
Samuel Gaumont .....	do .....	300	237	.....	.....	.....	
Wm. Ross .....	do .....	100	15	.....	.....	.....	
Charles Bilodeau .....	Whale Head .....	500	215	.....	.....	.....	
M. Kenty .....	do .....	500	30	.....	.....	.....	
Daniel Manger .....	Gull Island .....	100	15	.....	.....	.....	
Widow Manger .....	do .....	300	63	.....	.....	.....	
Louis Coulombe .....	Little Meccatina .....	70	1	.....	.....	.....	
F. X. Bilodeau .....	Nétagamu River .....	60	.....	.....	35	.....	
J. B. Fortier .....	Wataghaistic .....	150	.....	.....	42	.....	
André Gallibois .....	Point Dumourier .....	100	.....	.....	24	.....	
Michel Blais .....	River Etamamu .....	40	.....	19	.....	.....	
Gilbert Jones .....	Manisnachi .....	60	.....	12	.....	.....	
Joseph Anbé .....	Coacoachoo .....	50	.....	.....	30	.....	
George Métivier .....	Olomanosheeboo .....	100	.....	.....	49	.....	
Simon Bourque .....	Kégasca .....	60	.....	.....	6	.....	
Samuel Foreman .....	River Kégasca .....	55	.....	.....	7	.....	
Adolphe Guillemette .....	do .....	15	.....	.....	25	.....	
Louis Talbot .....	Natashquan .....	30	.....	.....	5	.....	
S. Kennedy .....	River Agwanus .....	360	.....	.....	25	.....	
Olivier Rochette .....	River Nabisippi .....	75	.....	.....	5	.....	
Joseph Tanguay .....	Wataheshoo .....	165	.....	.....	13	.....	
Victor Blais .....	Atecpetat .....	42	.....	.....	45	.....	
.....	Magdalen Islands .....	.....	.....	.....	.....	7200	On the ice around the Islands.
<b>Total .....</b>		<b>10222</b>	<b>1426</b>	<b>529</b>	<b>363</b>	<b>7200</b>	

## SEALS shot in 1867.

By whom and where shot.	Number.	Remarks.
Seals shot by Indians between Bersimis and Blanc Sablon ...	1000	Seals were seen in smaller numbers than usual, this summer on the North Shore and on the coast of Anticosti.
Seals shot by white men between Bersimis and Blanc Sablon	300	
Seals shot at Anticosti .....	300	
Total.....	1800	

## GENERAL RECAPITULATION.

When, where and how the Seals were taken.	No. of Seals.	Description of Seals.	Value of Seals.
			\$ cts.
Seals taken in nets on the coast of Labrador, during the autumn of 1866 .....	1426	Adults.....	9269 00
Seals taken in nets on the coast of Labrador, during the spring of 1867.....	529	do .....	3438 50
Seals taken in nets on the coast of Labrador, during the summer of 1867.....	363	Spring Seals .....	1452 00
Seals shot between Bersimis and Blanc Sablon by Indians ..	1000	do .....	4000 00
Do do do by white men	300	do .....	1200 00
Seals shot on the coast of Anticosti.....	300	do .....	1200 00
Seals killed on the ice this spring around the Magdalen Islands.....	7200	Young Seals.	28800 00
Seals killed by hunters from the Magdalen Islands, Esquimaux Point, Natashquan and Kégasca, on board of schooners, on the ice in the Gulf .....	9283	Adults.....	51056 50
Total .....	20401	.....	\$100616 00

STATEMENT of the Number of Schooners belonging to the Districts of Saguenay and Gaspé, employed during the season of 1867 in fishing for Cod and Herring on the banks and along the coast.

## Schooners from Esquimaux Point.

Names of Schooners.	Names of Captains.	Tonnage.	Numbers of Crews.	Cwts. of Cod.	Barrels of Herring.	REMARKS.
"Iberville".....	Nathaniel Boudreau...	36	10	180	480	These schooners fished for eod and herring on the coast of Labrador.
"Veneleo" .....	P. Doyle.....	33	10	200	320	
"Constantine" .....	J. Boudreau.....	45	10	200	650	
"Victoria".....	G. Cormier.....	52	11	195	506	
"Amelia".....	X. Cormier.....	47	10	170	280	
"Alphonsine".....	Charles LeBrun.....	23	10	9	355	
"Wide Awake" .....	Vital Vigneault....	42	10	120	136	
"Mariner" .....	E. Landry .....	23	9	57	117	
"Three Brothers".....	X. Boudreau.....	35	10	180	136	
"Ailsa".....	F. Cumming .....	40	10	290	121	
Total.....		376	100	1601	8101	

STATEMENT of the Number of Schooners belonging to the Districts of Saguenay and Gaspé, employed during the season of 1867, &c.—*Continued.*

## Schooners from Natashquan.

Names of Schooners.	Names of Captains.	Tonnage.	Numbers of Crews.	Cwts. of Cod.	Barrels of Herring	REMARKS.
"Tiber" .....	P. Vigneault .....	22	7	180	100	These schooners fished for cod and herring on the coast of Labrador.
"Notre - Dame de la Garde" .....	H. Vigneault.....	22	7	250	100	
"Notre - Dame de Mars" .....	D. Talbot.....	20	7	150	100	
Total.....		64	21	580	300	

## Schooners from Kégasca.

"Hirondelle" .....	Jules Poirier .....	27	10	125	150	These schooners fished for cod and herring at the same place as those from Natashquan.
"Marie-Julie" .....	Simon Bourque.....	26	10	140	120	
Total .....		53	20	265	270	

## Schooners from House Harbour (Magdalen Islands.)

"Tempérance" .....	E. Arseneau.....	36	10	260	Fished on the North Shore of the River St. Lawrence.	
"Marie" .....	J. Godet .....	40	10	200	do	do
"Mary Ann" .....	A. Arseneau.....	36	10	240	do	do
"Emelite" .....	L. Bourque.....	27	10	150	do	do
"Jenny Lind" .....	P. Turbide.....	39	10	160	do	do
"Dolphin" .....	O. Richard.....	52	10	300	Fished around the Magdalen Islands.	
"Archangel" .....	Naz. Jonphe.....	40	10	300	do	do
"Greenock" .....	Frs. Terriau.....	39	10	320	do	do
"Annie" .....	Wm. Terriau.....	41	10	280	do	do
Total .....		350	90	2150		

## Schooners from Amherst Harbour (Magdalen Islands.)

"President" .....	O. Bourque.....	36	10	175	Fished around the Magdalen Islands.	
"Loup-Marin" .....	Eug. Bourgeois.....	37	10	169	do	do
"Flora" .....	L. Boudreau .....	34	10	200	do	do
"Eugénie" .....	G. Cormier.....	30	10	180	do	do
"Sarah" .....	H. J. Boudreau.....	23	10	150	do	do
"Cutter" .....	J. Vigneault .....	27	10	145	do	do
"Marie-Louise" .....	J. Cormier .....	30	10	150	do	do
Total.....		217	70	1169		

COUNTY OF SAGUENAY.

No.	NAME OF PLACE.	No. of vessels.	No. of fishing boats.	No. of flat boats.	No. of sailors.	No. of fishermen.	No. of shore hands.	No. of cod seines.	No. of mackerel seines.	No. of herring seines.	No. of caplin seines.	No. of plaice seines.	No. of fathoms of seal nets.	No. of cod nets.	No. of mackerel nets.	No. of herring nets.	No. of fathoms of salmon nets.	No. of fathoms of trout nets.	No. of brush weirs.	No. of seals.	Cod.		
																					Cwt. - Sum-mer fishing.	Cwt. - Au-tumn fishing.	
1	Blanc Sablon	13	5	26	20	1	1	300													40	1250	
2	Wood Island	40	15	80	55	2	2	300													64	4000	
3	Green Island																						
4	Little Harbour	15	6	30	20	1	2	870													135	350	
5	Long Point	6	8	12	8	2	3	320													65	30	
6	Sandy Bay and Pointe à la Barque	2	2	4	4	2	2	800													54	640	
7	Bradore Bay	4	7	12	8	2	3																
8	Belles Amours	1	2	2	2	2	1																
9	Middle Bay	2	2	4	3	1	1																
10	Five Leagues and Little Fishery	6	7	12	8	1	1	300													63	70	
11	Salmon Bay	19	4	38	30	3	2																
12	Bonne Espérance	6	6	12	8	1	1																
13	St. Paul River	1	1	2	2	2	2	275													6	340	
14	Burnt Island	1	2	2	2	2	1	400													49	20	
15	Old Fort Island	6	3	12	8	1	1	150													5	120	
16	Dog Island	2	2	4	3	2	2																
17	Lizotte's Fishery	1	1	2	2	2	2														20	20	
18	Baie des Rochers	1	1	2	2	2	2																
19	River Napiitipi	1	1	2	2	2	2																
20	Shicataca	3	3	6	5	1	1																
21	Casco Harbour	1	1	2	2	2	2	90													15	20	
22	Anse du Forrage	1	3	2	4	2	2	250													100	100	
23	Esquimaux Bay	1	1	2	2	2	2																
24	St. Augustin	1	1	2	2	2	2																
25	River St. Augustine	1	4	5	2	2	1																
26	Whale Head, Pacahoo	2	3	4	4	2	2																
27	Red Point	1	1	2	2	2	2	350													6	6	
28	River Kikapoo and Chaines de Kenny	1	1	2	2	2	2	200															
29	Fonderie de Faoteau	1	1	2	2	2	2	60															
30	Salt Lake	1	1	2	2	2	2	350															
31	La Tabatière and Red Bay	4	4	8	8	1	1	1640													629	178	
32	Great Mecattina Island	3	3	6	2	2	2	750															
33	Sheep Bay	3	2	6	3	2	2														12	65	
34	Great and Little Mecattina Rivers	1	2	2	2	2	2																



COUNTY OF SAGUENAY.—Continued.

No.	Cwts.—Haddock.	Cwts.—Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Bale.	Barrels—Cod tongues and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Plaice (manure).	Barrels—Smelts (manure).	Barrels—Stickleback.	REMARKS.
1				8			2					3	240			1000						No one fished at this place in 1867.
2				35			3				5	5	384			3200						
3																1000						
4				6			2				1		810			200						
5												24	390			512						
6												324	324			8						Arrival of the different kinds of fish in the County of Saguenay.
7																40						
8																56						
9													378			1855						Cod.—Appeared at Blanc Sablon on the 21st June, and at Whale Head and from there to Mingan about the 25th of June.
10																272						
11													36			16						
12																98						
13													294			16						
14													12			16						
15													120			16						
16																8						Caplin.—19th June.
17																16						
18																16						
19																8						
20																16						
21													90			1						
22													600			1						
23																1						
24																1						
25																1						
26																1						
27																36						
28																72						
29																894						
30													318			140						
31													3674			16						
32													1812			52						
33													72									
34																						

COUNTY OF SAGUENAY — continued.

No.	NAME OF PLACE.	No. of fishing boats	No. of flat boats.	No. of sailors.	No. of fishermen.	No. of shore hands.	No. of cod seines.	No. of mackerel seines.	No. of herring seines.	No. of caplin seines.	No. of plaice seines.	No. of fathoms of seal nets.	No. of cod nets.	No. of mackerel nets.	No. of herring nets.	No. of fathoms of salmon nets.	No. of fathoms of trout nets.	No. of brush weirs.	No. of seals.	Cod.	
																				Cwt.—Sum-mer fishing.	Cwt.—Au-tumn fishing.
35	Whale Head, Mecatina .....	3	3	6	4	4	1000	.....	.....	.....	.....	.....	.....	.....	.....	838	.....	.....	245	200	.....
36	Boat Harbour .....	2	2	4	3	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	80	80	.....
37	Rigolet aux Chats .....	2	1	4	4	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	40	40	.....
38	Providence Island .....	2	1	4	4	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	40	40	.....
39	Gull Islands .....	2	1	4	4	1	400	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	78	30	.....
40	Little Mecatina .....	2	1	4	2	2	70	.....	.....	.....	.....	.....	.....	.....	.....	47	.....	.....	1	50	.....
41	Netagama River .....	1	1	2	1	1	60	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....	35	35	.....
42	Watageistic .....	1	1	2	1	1	150	.....	.....	.....	.....	.....	.....	.....	.....	42	.....	.....	42	42	.....
43	Dumouris Point .....	1	1	2	1	1	100	.....	.....	.....	.....	.....	.....	.....	.....	24	.....	.....	24	24	.....
44	Erasmus River .....	1	1	2	1	1	60	.....	.....	.....	.....	.....	.....	.....	.....	225	.....	.....	19	19	.....
45	Manisuchi (Cape White) .....	1	1	2	1	1	60	.....	.....	.....	.....	.....	.....	.....	.....	75	.....	.....	12	12	.....
46	Coacusho River .....	1	1	2	1	1	50	.....	.....	.....	.....	.....	.....	.....	.....	30	.....	.....	30	30	.....
47	Oltmanushebo River .....	1	1	2	1	1	100	.....	.....	.....	.....	.....	.....	.....	.....	250	.....	.....	49	49	.....
48	Washeconat and Mistassine Rivers .....	1	2	2	2	2	15	.....	.....	.....	.....	.....	.....	.....	.....	350	.....	.....	20	20	6
49	River and Point Musquaro .....	1	2	2	2	2	60	.....	.....	.....	.....	.....	.....	.....	.....	70	.....	.....	20	40	10
50	Kegashca Bay (and schooners) .....	3	9	18	30	11	55	.....	.....	.....	.....	.....	.....	.....	.....	142	.....	.....	713	950	.....
51	Kegashca River and Outside .....	1	1	3	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
52	Natahquan River (with the fly) .....	1	1	2	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
53	Natahquan Bank (and schooners) .....	3	18	18	21	64	30	.....	.....	.....	.....	.....	.....	.....	.....	215	.....	.....	925	950	.....
54	Natahquan Harbour .....	2	4	4	4	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
55	Awasnas River .....	1	2	2	2	2	360	.....	.....	.....	.....	.....	.....	.....	.....	420	.....	.....	23	25	.....
56	Nahasippi River .....	1	2	2	2	2	75	.....	.....	.....	.....	.....	.....	.....	.....	120	.....	.....	5	15	.....
57	Little Washeeshoo River .....	1	2	3	2	2	165	.....	.....	.....	.....	.....	.....	.....	.....	81	.....	.....	13	13	.....
58	Grand Washeeshoo River .....	1	1	2	2	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
59	River on Piashter Bay (with the fly) .....	2	2	2	2	2	42	.....	.....	.....	.....	.....	.....	.....	.....	25	.....	.....	35	35	.....
60	Crow River and Appelelet Bay .....	1	1	2	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	102	.....	.....	4448	1601	.....
61	Esquimaux Point (and schooners) .....	13	28	56	30	40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
62	Romaine River (with the fly) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
63	Do outside (in nets) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
64	Mingan River (with the fly) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
65	Manitou River (Indians with nets) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
66	Mingan Harbour .....	1	2	2	2	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
67	Long Point Mingan .....	30	20	60	39	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
68	River St. John (in nets) .....	16	5	33	14	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
69	Do (with the fly) .....	.....	3	5	33	14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

COUNTY OF SAGUENAY.—Continued.

No.	Cvts.—Haddock.	Cvts.—Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Eels.	Barrels—Cods tongues and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Plance (manure).	Barrels—Smelts (manure).	Barrels—Stickle-back.	REMARKS.
35																160						
36																64						
37																32						
38																16						
39																21						
40																468						
41																6						
42																122						
43																147						
44																84						
45																114						
46																72						
47																105						
48																171						
49																18						
50																41						
51																760						
52																2						
53																760						
54																18						
55																87						
56																17						
57																45						
58																4625						
59																192						
60																2240						
61																10						
62																1280						
63																						
64																						
65																						
66																						
67																400						
68																39						
69																1359						
																654						

COUNTY OF SAGUENAY.—Continued.

No.	NAME OF PLACE.	No. of vessels.	No. of fishing boats.	No. of flat boats.	No. of sailors.	No. of fishermen.	No. of shore hands.	No. of cod seines.	No. of mackerel seines.	No. of herring seines.	No. of caplin seines.	No. of plaice seines.	No. of fathoms of seal nets.	No. of cod nets.	No. of mackerel nets.	No. of herring nets.	No. of fathoms of salmon nets.	No. of fathoms of trout nets.	No. of brush wells.	No. of seals.	Cod.			
																					Cwts.—Sum-mer fishing.	Cwts.—Au-tumn fishing.		
70	Mappio River and Bay.....	2	2	4	2	4	2	2	4	166	4	166	4	166	4	166	4	166	4	166	100	759	30	
71	Anse des Rousies.....	11	10	22	10	22	10	22	10	22	10	22	10	22	10	22	10	22	10	22	1908	369	30	
72	Rambler's Cove.....	28	9	56	40	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1908	369	30	
73	Jupitagan River.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	380	40	40	
74	Ridge Point.....	6	2	12	4	6	2	6	2	12	4	6	2	6	2	12	4	6	2	6	197	40	40	
75	Indian Harbour.....	3	1	6	2	3	1	6	2	3	1	6	2	3	1	6	2	3	1	6	1307	120	120	
76	Anse aux Coques.....	17	5	34	30	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	60	30	30	
77	Thunder River.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	30	30	30	
78	Duck Creek.....	1	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	200	30	30	
79	Anse à la Mognise.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	608	70	8	
80	Little Sheldrake.....	6	1	12	5	12	5	1	1	1	1	1	1	1	1	1	1	1	1	1	200	30	30	
81	Sheldrake Head.....	16	6	32	9	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	608	70	8	
82	Sheldrake Bank.....	5	3	10	6	5	3	10	6	5	3	10	6	5	3	10	6	5	3	10	100	8	8	
83	Le Gros Bay.....	11	2	22	16	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	600	42	17	
84	Gibraltar Bay.....	2	2	4	4	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	200	42	17	
85	Bonleaux River.....	7	2	14	2	7	2	14	2	7	2	14	2	7	2	14	2	7	2	7	300	35	35	
86	Pigon.....	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	130	15	15	
87	Trout River.....	1	1	2	4	2	4	2	4	2	4	2	4	2	4	2	4	2	4	2	10	2628	35	35
88	Moisie River (with nets inside).....	12	15	24	42	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	300	48	48	
89	do (do outside).....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	300	48	48	
90	do (with the fly).....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	300	48	48	
91	Seven Islands Bay and Boule.....	12	6	24	11	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	110	25	25	
92	River St. Margaret (outside).....	2	2	4	4	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	300	48	48	
93	Bagged Islands.....	7	5	14	3	7	5	14	3	7	5	14	3	7	5	14	3	7	5	7	110	25	25	
94	Pentecost River.....	1	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	75	45	45	
95	English Bay.....	1	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	40	40	40	
96	Little Trinity River.....	1	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	75	75	75	
97	Caribou Islands.....	2	2	4	4	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	320	20	20	
98	Little May River.....	1	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	150	150	150	
99	Grand Trinity River (outside).....	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	340	50	50	
100	Trinity Bay.....	3	3	6	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	75	75	75	
101	Pointe des Monts.....	4	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	25	25	25	
102	Beceite River (outside).....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	75	75	75	
103	Wapashaboo River.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	25	25	25	
104	Goudbout River (with the fly).....	3	2	6	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	75	75	75	

COUNTY OF SAGUENAY.—Continued.

No.	Cwts.—Haddock.	Cwts.—Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Eels.	Barrels—Cods' tongues and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Plaice (manure).	Barrels—Smelts (manure).	Barrels—Stickleback.	REMARKS.	
70																							
71				4			2		47					50		80							
72				6			2							50		371							
73				3			2									1821							
74							3		10							304							
75																189							
76																1141							
77									11							48							
78																48							
79																181							
80									8							580							
81				14			2		5							86							
82																480							
83							6									47							
84																160							
85																							
86																							
87									16	2													
88									481	4						316							
89									85														
90									2	1													
91				217			9									278							
92				50					12														
93																94							
94									4	8													
95									3														
96									6														
97									26														
98									1	1													
99									22														
100									44	11													
101																							
102									2														
103									1														
104									20														

No one fished at this place in 1867.

No one fished at this place in 1867.

COUNTY OF SAGUENAY.—Continued.

No.	NAME OF PLACE.	No. of vessels.	No. of fishing boats.	No. of flat boats.	No. of sailors.	No. of fishermen.	No. of shore hands.	No. of cod seines.	No. of mackerel seines.	No. of herring seines.	No. of caplin seines.	No. of plaice seines.	No. of fathoms of seal nets.	No. of cod nets.	No. of mackerel nets.	No. of herring nets.	No. of fathoms of salmon nets.	No. of fathoms of trout nets.	No. of brush weirs.	No. of seals.	Cop.			
																					Cwt.—Sum-mer fishing.	Cwt.—Au-tumn fishing.		
105	Manicouagan.....	6																			1300			
106	Bersimis River.....	25																						
ISLAND OF ANTICOSTI.																								
107	South-west Point.....	10	8			20	7					2				4	10				150	400		
108	English Head.....	12	9			24	4					2					14				150	487	50	
109	Macdonald's Bay.....		5			18	7			1							9					327	60	
110	Caplin Bay.....	9	5			18	7			2							10					450	90	
111	Cow Point.....	6	3			12	5			1							3						300	60
112	Mansrolle River.....	5	4			10	4			1							4					450	50	
113	Salmon River.....	1	1			1	1										3							
114	Fox Bay.....		1			1	1										10						690	80
115	Dauphine River.....	9	5			18	6					1												
116	Shallop Creek.....	1	1			2	2																	
117	Jupiter River.....	1	1			1	1																	
118	Otter River.....	1	1			1	1																	
Total.....		21	579	439	63	855	653	20	13	25	75	43	10232	1	14	175	13156	491			9991	27489	1512	

COUNTY OF SAGUENAY.—Concluded.

No.	Cwts. Haddock.	Cwts. Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Eels.	Barrels—Cods' tongues and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Piaice (manure).	Barrels—Smelts (manure).	Barrels—Stickleback.	REMARKS.	
105									10	2												Number of seals killed by Indians and white men between Bersimis and Blanc Sablon.	
106																							
107				92		70							525			310							
108				49		52							525			385							
109				86		20										309							
110				11		5										412							
111																278							
112				6		3										400							
113									20														
114				39		12										616							
115									10	2													
116									27	1													
117									21	2	7												
118									1	4													
				4844		388			1732½	48	8	12½	44486¼	309	10	22920							





COUNTY OF BONAVENTURE.

	Cwts.—Haddock.	Cwts.—Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Eels.	Barrels—Cod's top.	Guns and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Place (manure).	Barrels—Smelts (manure).	Cods' heads.	REMARKS.	
1	200		6	200					216							160								Arrival of fish in the County of Bonaventure:—
2	150		5	6000	5000				14							80								Cod.....27th May.
3	250		4	5900	1000				83							1000								Herring.....25th April.
4	200		5	4	1500	570			70	5						1000								Caplin.....26th May.
5	160		10	1830	500				67	4						2000	78							
6	120		2	100					7							1097	247							
7	100		10	400												6	1097	500						
8	80		10	400												1233	10							
9	60		10	140												350	20							
10	40		5	200												989	30							
11	20		6	140					77	2						2056	10							
12	10		11	70												8056	3720							
13	69	64	37	16280	7070		17		536	6	5	40				240								

COUNTY OF GASPE.

	Cwts.—Haddock.	Cwts.—Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Eels.	Barrels—Cod's top.	Guns and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Place (manure).	Barrels—Smelts (manure).	Cods' heads.	REMARKS.	
1	200			160					11	2														Arrival of fish in the County of Gaspé:—
2	150			250					70	4	10													
3	250			300					8	1														
4	200			100					28															
5	160			100																				
6	160			50																				
7	120			100																				
8	100			375																				
9	80			280																				
10	20			40																				
11	50			45					14															
12	20			62					27															
13	20			24																				
14	80			178					16															
15	50			80																				
16	10			23																				

COUNTY OF GASPE.—Continued.

No.	NAME OF PLACE.	No. of vessels.	No. of fishing boats.	No. of flat boats.	No. of sailors.	No. of fishermen.	No. of shore hands.	No. of cod seines.	No. of mackerel seines.	No. of herring seines.	No. of caplin seines.	No. of plaice seines.	No. of fathoms of seal nets.	No. of cod nets.	No. of mackerel nets.	No. of herring nets.	No. of fathoms of salmon nets.	No. of fathoms of trout nets.	No. of brush weirs.	No. of seals.	Cod.	
																					Cwts.—Sum-mer fishing.	Cwts.—Au-tumn fishing.
17	Red Head	15	15	30	19	1	1	2	30	12	180	615	180									
18	Bois Brûlé	6	8	12	8	1	1	1	16	12	72	325	72									
19	Anse Brillant	8	6	16	10	1	1	1	16	16	400	400	96									
20	Seal Cove	1	8	4	16	2	2	1	16	16	415	415	96									
21	Donglstown	2	30	8	34	2	2	4	78	80	1450	200	200									
22	River St. John (in nets)	3	3	3	3	1	1	20	20	278	350	50	50									
23	do (with the fly)	10	20	3	15	1	1	20	20	3094	350	50	50									
24	North and South sides of Gaspé Bay	6	5	4	4	1	1	2	15	18	180	72	72									
25	S.W. and N.W. Rivers at Gaspé (with the fly)	6	6	12	8	1	1	3	18	18	300	70	70									
26	Cap aux Os	8	8	16	10	1	1	4	30	30	400	96	96									
27	Seal Rocks	8	8	16	10	12	12	30	90	1500	360	360	360									
28	Little Gaspé	30	25	60	50	4	4	4	75	41	1260	300	300									
29	Grande Grave	8	25	50	31	4	4	4	48	48	900	216	216									
30	From Grande Grave to St. George's Cove	15	16	32	20	2	2	2	54	54	900	216	216									
31	St. George's Cove	18	18	36	22	2	2	2	42	42	1200	300	300									
32	Indian Cove	14	14	28	17	2	2	2	42	42	1200	300	300									
33	Ship Head	30	30	60	37	10	10	40	60	60	1400	560	560									
34	Cape Rosiers	18	20	36	25	5	5	9	40	40	750	216	216									
35	Anse à la Louise	8	8	16	10	2	2	1	16	16	390	96	96									
36	Jersey Cove	5	5	10	70	5	5	9	110	110	2000	660	660									
37	Griffin's Cove	12	12	24	15	5	5	5	24	24	420	144	144									
38	Anse à Fougère	90	80	160	100	8	8	12	180	180	2500	1100	1100									
39	Great Fox River	22	22	44	27	1	1	3	46	46	800	264	264									
40	Little Fox River	11	11	22	11	1	1	1	19	19	440	185	185									
41	Petit Cap and Grande Anse	5	5	10	5	1	1	1	8	8	200	80	80									
42	Echoarie	6	6	12	6	1	1	1	12	12	250	100	100									
43	Pointe Jaune	12	12	24	12	1	1	24	24	24	450	200	200									
44	Anse à Valléau	23	5	46	28	1	1	50	50	50	1800	460	460									
45	Grand Etang	20	15	40	20	1	1	40	40	40	720	320	320									
46	Pointe Séche	18	15	36	18	1	1	28	28	28	525	275	275									
47	Petit Chêrdonne	12	12	24	12	1	1	20	20	20	425	160	160									
48	Grand Chêrdonne	10	10	20	11	1	1	10	10	10	250	50	50									
49	Petite Vallée and Belle Pointe	5	5	10	7	1	1	8	8	8	125	50	50									
50	Anse à Mercier	48	48	96	50	1	1	88	88	88	1080	450	450									
51	Grande Vallée							56	56	56	80	80	80									

COUNTY OF GASPE.—Continued.

No.	Cwts.—Haddock.	Cwts. Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flourishers.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Eels.	Barrels—Cods—ton.	Guns and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Plaice (manure).	Barrels—Smelts (manure).	Barrels—Stickle-back.	REMARKS.
17	10	5	2	45	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	574	.....	.....	.....	.....	.....	.....
18	6	5	1	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	285	.....	.....	.....	.....	.....	.....
19	13	6	3	24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	360	.....	.....	.....	.....	.....	.....
20	7	3	2	25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	364	.....	.....	.....	.....	.....	.....
21	50	15	10	87	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1200	.....	.....	.....	.....	.....	.....
22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
23	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
24	15	5	45	40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	294	.....	.....	.....	.....	.....	.....
25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
26	10	5	2	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	186	.....	.....	.....	.....	.....	.....
27	4	3	3	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	263	.....	.....	.....	.....	.....	.....
28	6	4	1	32	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	354	.....	.....	.....	.....	.....	.....
29	40	10	8	120	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1037	.....	.....	.....	.....	.....	.....
30	25	20	2	90	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1123	.....	.....	.....	.....	.....	.....
31	20	6	2	64	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	712	.....	.....	.....	.....	.....	.....
32	10	5	1	72	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	791	.....	.....	.....	.....	.....	.....
33	8	5	2	60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	625	.....	.....	.....	.....	.....	.....
34	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1372	.....	.....	.....	.....	.....	.....
35	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	676	.....	.....	.....	.....	.....	.....
36	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	340	.....	.....	.....	.....	.....	.....
37	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1862	.....	.....	.....	.....	.....	.....
38	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	394	.....	.....	.....	.....	.....	.....
39	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2520	.....	.....	.....	.....	.....	.....
40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	744	.....	.....	.....	.....	.....	.....
41	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	437	.....	.....	.....	.....	.....	.....
42	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	196	.....	.....	.....	.....	.....	.....
43	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	245	.....	.....	.....	.....	.....	.....
44	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	455	.....	.....	.....	.....	.....	.....
45	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1592	.....	.....	.....	.....	.....	.....
46	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	728	.....	.....	.....	.....	.....	.....
47	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	560	.....	.....	.....	.....	.....	.....
48	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	409	.....	.....	.....	.....	.....	.....
49	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	144	.....	.....	.....	.....	.....	.....
50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	107	.....	.....	.....	.....	.....	.....
51	40	.....	.....	125	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1099	.....	.....	.....	.....	.....	.....

COUNTY OF GASPE.—Continued.

No.	NAME OF PLACE.	No. of vessels.	No. of fishing boats.	No. of flat boats.	No. of sailors.	No. of fishermen.	No. of shore hands.	No. of cod seines.	No. of mackerel seines.	No. of herring seines.	No. of caplin seines.	No. of plaice seines.	No. of fathoms of seal nets.	No. of eod nets.	No. of mackerel nets.	No. of herring nets.	No. of fathoms of salmon nets.	No. of fathoms of trout nets.	No. of brush weirs.	Cod.		
																				Cwts.—Sum-mer fishing.	Cwts.—An-tumn fishing.	
52	Cap à l'Ours.....	4	4	4	4	8	5	1	1	1	1	1	1	1	1	1	1	1	1	1	190	20
53	Madeleine River.....	4	4	4	4	8	5	1	1	1	1	1	1	1	1	1	1	1	1	1	196	19
54	do (outside).....	3	3	3	3	6	4	1	1	1	1	1	1	1	1	1	1	1	1	1	70	25
55	Little Madeleine River.....	3	3	3	3	6	3	1	1	1	1	1	1	1	1	1	1	1	1	1	60	15
56	Manche d'Épée.....	10	10	10	10	20	10	1	1	1	1	1	1	1	1	1	1	1	1	1	200	60
57	Gros Mâle.....	11	11	11	11	22	10	1	1	1	1	1	1	1	1	1	1	1	1	1	215	65
58	Anse Pieuvre.....	4	4	4	4	8	4	1	1	1	1	1	1	1	1	1	1	1	1	1	95	15
59	Ruisseau des Olives.....	42	42	42	42	84	40	3	3	3	3	3	3	3	3	3	3	3	3	3	850	150
60	Montouis.....	9	9	9	9	18	11	1	1	1	1	1	1	1	1	1	1	1	1	1	170	60
61	Rivière à la Pierre.....	9	9	9	9	18	9	1	1	1	1	1	1	1	1	1	1	1	1	1	170	65
62	Glande River.....	5	5	5	5	10	6	1	1	1	1	1	1	1	1	1	1	1	1	1	125	45
63	Ruisseau Arbour.....	2	2	2	2	4	3	1	1	1	1	1	1	1	1	1	1	1	1	1	160	45
64	Marsouin River.....	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	80	20
65	River à la Martre.....	4	4	4	4	8	4	1	1	1	1	1	1	1	1	1	1	1	1	1	725	50
66	Anse à Jean.....	25	25	25	25	50	31	3	3	3	3	3	3	3	3	3	3	3	3	3	2550	150
67	Les Tourelles.....	102	102	102	102	204	150	1	1	1	1	1	1	1	1	1	1	1	1	1	980	240
68	Ste. Anne des Monts.....	2	2	2	2	4	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1500	204
69	Cape Chat.....	84	84	84	84	168	80	4	4	4	4	4	4	4	4	4	4	4	4	4	1169	900
70	Amberst Island.....	15	15	15	15	30	15	1	1	1	1	1	1	1	1	1	1	1	1	1	990	100
71	do schooners.....	12	12	12	12	24	12	1	1	1	1	1	1	1	1	1	1	1	1	1	2150	990
72	Alright Island.....	47	47	47	47	94	50	2	2	2	2	2	2	2	2	2	2	2	2	2	7200	225
73	do schooners.....	8	8	8	8	16	5	1	1	1	1	1	1	1	1	1	1	1	1	1	160	25
74	Grindstone Island.....	4	4	4	4	8	4	1	1	1	1	1	1	1	1	1	1	1	1	1	300	6
75	Coffin Island.....	16	16	16	16	32	15	1	1	1	1	1	1	1	1	1	1	1	1	1	8	2
76	Entry Island.....	2	2	2	2	4	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
77	Grosse Ile.....	40	40	40	40	80	40	16	16	16	16	16	16	16	16	16	16	16	16	16	5918	110
78	Bryon Island.....	1009	1009	1009	1009	2018	2278	11	11	11	11	11	11	11	11	11	11	11	11	11	10410	26988
	Total.....	1009	1009	1009	1009	2018	2278	11	11	11	11	11	11	11	11	11	11	11	11	11	83457	26988

MAGDALEN ISLANDS.

COUNTY OF GASPE.—Concluded.

No.	Cwts.—Haddock.	Cwts.—Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Hels.	Barrels—Cods' tongues and sounds.	Gallons—Seal oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Plaice (manure).	Barrels—Smelts (manure).	Barrels—Stickle-back.	REMARKS.
52	5			45			10									150						
53	6	5		80			20		6	3	4					164		300				
54							8		5	2												
55		4		25			4					1				66						
56		15		9			4					1				53						
57		15		30			5		5		4	4				132						
58		2		30			2			2	4	4				190						
59		1		12			2				1	1				77						
60		10		350			20		1	6	3	15				700						
61		9		40			12			2		2				154						
62		2		40			9			3	2	2				164						
63		2		1			5				1	1				119						
64		1		6			10			2	1	1				38						
65		2		27			80			1	2	2				143						
66		1		12			15					2				70						
67		10		200			15					10				542						
68		10		4			30		294	4	5	25			30	1890						
69		4		100			20		2	2	3	9			50	854						
70	160		784	2800			12				45	10				1587					150	
71													3450			935						
72	80			1980	30							8				872						
73													12690			1720						
74	110			840			40					7	25200			1060						
75																128						
76												2				15						
77	100		740	50			9									320						
78																3						
1995	97	2187	10829	30			610	10	4144	634	105	3884	41840	25890	180	77138					1860	

COUNTY OF RIMOUSKI.

No.	NAME OF PLACE.	GENERAL RECAPITULATION.												Cod.									
		No. of vessels.	No. of fishing boats.	No. of flat boats.	No. of sailors.	No. of fishermen.	No. of shore hands.	No. of cod seines.	No. of mackerel seines.	No. of herring seines.	No. of caplin seines.	No. of plaice seines.	No. of fathoms of seal nets.	No. of cod nets.	No. of mackerel nets.	No. of herring nets.	No. of fathoms of salmon nets.	No. of fathoms of trout nets.	No. of brush weirs.	No. of seals.	Cws.—Sum. mer fishing.	Cws.—Au- turn fishing.	
1	Grand Capucin	20	4	40	16	20	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
2	Anse du Petit Méchin	2	1	4	2	4	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
3	Grand Méchin	6	3	12	2	12	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
4	River à la Chandronne	16	9	32	12	16	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
5	Riets des Méchins	8	2	16	4	8	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
6	Ruisseau Wapper	3	1	6	2	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
7	Grande Anse des Crapauds	3	1	6	2	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
8	Ruisseau à Samuel	20	2	40	10	20	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
9	Ruisseau Jacques Hugues	36	12	72	20	36	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
10	Cape Balance	4	2	8	4	4	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
11	Anse à la Croix	20	10	40	15	20	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
12	Long Point	7	2	14	5	7	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
13	Little River Matane	20	10	40	15	20	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
14	Grand River Matane	7	2	14	5	7	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
15	Little River Matane	7	2	14	5	7	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
16	Little River Matane	7	2	14	5	7	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
17	Grand River Matane	9	5	18	6	9	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
18	Grand River Matane	15	10	30	10	15	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
19	Tartigo River	15	9	30	10	15	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
20	Sandy Bay and les Boules	15	9	30	10	15	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
21	Little River Méthis	2	4	4	1	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
22	Grand River Méthis	2	6	4	1	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
23	St. Flavie	2	5	4	1	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
24	St. Luc	5	8	10	3	5	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
25	Rimouski and Barnabé Island	199	102	350	116	199	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102
Total		199	102	350	116	199	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102

GENERAL RECAPITULATION.  
 Number of fishing boats, of fishermen, of shore hands, of fish taken, of seines, of nets, and of brush weirs, quantity of cod liver oil, of whale oil, of seal oil, of porpoise oil, in the Counties of Bonaventure, Gaspé, a part of Rimouski, the County of Saguenay, (including the Coast of Labrador, the North Shores of the River and Gulf of St. Lawrence, and the Island of Anticosti.)

1	76	2966	2860	390	5432	3630	20	24	87	337	43	10232	1	540	5054	30432	782	124	20401	117791	34930
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COUNTY OF RIMOUSKI.

No.	Cwt.—Haddock.	Cwt.—Brill.	Barrels—Mackerel.	Barrels—Herring.	Boxes—Smoked herring.	Barrels—Sardines.	Barrels—Flounders.	Barrels—Tunny.	Barrels—Salmon.	Barrels—Trout.	Barrels—Eels.	Barrels eods' tons and sounds.	Gallons—Seal Oil.	Gallons—Whale oil.	Gallons—Porpoise oil.	Gallons—Cod oil.	Barrels—Herring (manure).	Barrels—Caplin (manure).	Barrels—Plaice (manure).	Barrels—Smelts (manure).	Barrels—Stickle-back.	REMARKS.
1	50			80			13								30	530						No person fished at this place in 1867.
2	30			30			1								77	77						
3	10			10			16		4						60	259						
4							10								60	231						
5				5			2									182						
6				30			1									56						do
7				10												381						do
8	30			10			5									616						do
9							26								300	300						Arrival of fish in the County of Rimouski.—
10	56			70			15					2			60	112						Herring..... 15th May.
11				10			40					6			150	521						Cod..... 25th June.
12	20			20			10									4						Cephal..... 21st May.
13				220			5		6							10						
14				200			2									6						
15				60			3									10						
16				60			5									6						
17				60			30									49						
18				215			10									7						
19				200			9					20										
20				250			100		3		15											
21				300			125				20											
22				400			200				25											
23				1000			500				30											
	166			3180			1525		195		5	65	8		660	3041						
									37½													

GENERAL RECAPITULATION.—Conclusion.

1	2630	161	2174	2062½	710	1525	1208	10	2720½	112½	183	398½	95776½	26199	11140	111145	4126	10680	460	3560	150
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## E X T R A C T

From the Log-book of the Government Schooner *La Canadienne*, for the season of 1867.

Date.	H. M.	Date.	H. M.		
May 17	Left Quebec .....	7 30 p.m.	une 8	Left Cape Moule . . . . .	10 16 a.m.
" 17	Anchored at St. Patrick's Hole.	9 30 p.m.	" 8	Anchored in Amherst Harbour.	1 25 p.m.
" 18	Left St. Patrick's Hole.....	7 00 a.m.	" 12	Left Amherst Harbour.....	6 20 p.m.
" 18	Anchored at Pointe aux Pins..	1 00 p.m.	" 12	Anchored in Basque Harbour..	6 45 p.m.
" 19	Left Pointe aux Pins.....	7 30 a.m.	" 13	Left Basque Harbour .....	6 00 a.m.
" 19	Anchored off River Ouelle Point .....	1 30 p.m.	" 13	Anchored at Cape Moule.....	7 65 a.m.
" 19	Left River Ouelle Point.....	6 15 p.m.	" 14	Left Cape Moule .....	5 59 a.m.
" 20	Anchored at Hare Island.....	2 00 a.m.	" 14	Anchored in Amherst Harbour.	6 05 a.m.
" 20	Left Hare Island.....	5 30 a.m.	" 14	Left Amherst Harbour.....	4 15 p.m.
" 21	Anchored off the wharf at Ri- mouski.....	3 60 a.m.	" 14	Anchored at Entry Island.....	4 50 p.m.
" 22	Left Rimouski .....	7 35 a.m.	" 14	Left Entry Island .....	6 30 p.m.
" 22	Anchored at Barnabe Island ..	2 25 p.m.	" 14	Anchored in the Basin (Amherst Island).....	10 30 p.m.
" 24	Left Barnabe Island.....	10 00 p.m.	" 14	Left the Basin.....	11 30 p.m.
" 25	Anchored again at Barnabe Island .....	1 00 a.m.	" 15	Anchored at Miscou .....	6 60 p.m.
" 25	Left Barnabe Island .....	5 15 a.m.	" 16	Left Miscou.....	1 15 a.m.
" 26	Anchored at Pointe des Monts.	6 00 a.m.	" 17	Anchored off Maria.....	1 20 a.m.
" 27	Left Pointe des Monts .....	3 30 a.m.	" 17	Left the offing at Maria .....	5 45 a.m.
" 27	Anchored at Cape Chat .....	7 45 a.m.	" 17	Anchored at Maria .....	6 35 a.m.
" 27	Left Cape Chat .....	11 50 a.m.	" 18	Left Maria.....	8 50 a.m.
" 27	Anchored at Ste. Anne des Monts .....	0 45 p.m.	" 18	Anchored at New Richmond.....	10 30 a.m.
" 27	Left Ste. Anne des Monts .....	6 10 p.m.	" 18	Left New Richmond .....	7 40 p.m.
" 28	Anchored at Fox River.....	3 30 a.m.	" 19	Anchored at Paspebiac .....	5 45 a.m.
" 28	Left Fox River.....	9 05 a.m.	" 20	Left Paspebiac.....	6 10 p.m.
" 28	Brought to and landed at Cape Rosiers.....	10 30 a.m.	" 21	Anchored in the Bay at Port Daniel .....	8 35 a.m.
" 28	Left Cape Rosiers.....	11 00 a.m.	" 21	Left Port Daniel.....	2 00 p.m.
" 28	Anchored at Grande Grave... 1 00 p.m.		" 21	Brought to and landed at the Islets (Newport).....	3 35 p.m.
" 28	Left Grande Grave.....	4 00 p.m.	" 21	Left the Islets .....	5 60 p.m.
" 28	Anchored at the entrance of Gaspé Basin.....	8 45 p.m.	" 21	Brought to at Grand Pabos ...	5 30 p.m.
" 29	Left the entrance of Gaspé Basin.....	1 10 p.m.	" 21	Anchored at Grand Pabos.....	7 15 p.m.
" 29	Anchored in Gaspé Basin .....	1 25 p.m.	" 21	Left Grand Pabos.....	8 00 p.m.
" 31	Left Gaspé Basin .....	3 10 p.m.	" 22	Anchored at Grand River .....	6 10 a.m.
" 31	Anchored at Douglstown.....	8 00 p.m.	" 24	Left Grand River .....	3 00 a.m.
June 1	Left Douglstown.....	5 10 a.m.	" 24	Anchored at Cape Cove .....	6 35 a.m.
" 1	Anchored at Point Peters.....	1 45 p.m.	" 24	Left Cape Cove.....	5 00 p.m.
" 2	Left Point Peters.....	2 30 a.m.	" 24	Anchored at Percé .....	7 30 p.m.
" 2	Anchored at Percé .....	5 45 a.m.	" 25	Left Percé.....	4 20 a.m.
" 2	Left Percé .....	9 00 p.m.	" 26	Anchored at the South Point of Anticosti.....	5 15 p.m.
" 3	Anchored at Paspebiac .....	7 10 p.m.	" 27	Left South Point of Anticosti..	10 45 p.m.
" 4	Left Paspebiac.....	10 30 p.m.	" 28	Anchored at Percé .....	10 20 p.m.
" 5	Anchored at Entry Island (Magdalen Islands).....	10 00 p.m.	" 30	Left Percé .....	3 30 p.m.
" 6	Left Entry Island .....	4 00 a.m.	" 30	Anchored at Point Peters.....	4 15 p.m.
" 6	Anchored at Amherst Island... 9 00 a.m.		" 30	Left Point Peters.....	5 10 p.m.
" 6	Left Amherst Island.....	4 25 p.m.	" 30	Anchored in Gaspé Basin.....	10 00 p.m.
" 6	Anchored at Grindstone Is- land .....	5 10 p.m.	July 5	Left Gaspé Basin.....	7 30 a.m.
" 6	Left Grindstone Island .....	5 50 p.m.	" 5	Brought to and landed at Grande Grave.....	9 15 a.m.
" 6	Anchored in Pleasant Bay .. 8 10 p.m.		" 5	Left Grande Grave .....	10 45 a.m.
" 7	Left Pleasant Bay .....	5 50 a.m.	" 5	Anchored at Jupiter River, Anticosti.....	6 10 p.m.
" 7	Anchored in House Harbor.... 7 50 a.m.		" 6	Left Jupiter River.....	5 00 a.m.
" 7	Left House Harbor .....	10 00 a.m.	" 6	Anchored at the South-west Point of Anticosti.....	6 15 a.m.
" 7	Anchored at Cape Moule.....	10 20 a.m.	" 6	Left the South-west Point.....	9 35 a.m.
			" 6	Anchored in Mingan Harbour..	9 20 p.m.
			" 8	Left Mingan Harbour .....	2 00 p.m.



## EXTRACT from the Log-book, &amp;c.—Continued.

Date.	H.M.	Date.	H.M.	
July 8	Anchored at Long Point .....	3 40 p.m.	July 21	Anchored in Bonne Espérance
" 9	Left Long Point .....	5 00 a.m.	" 21	Harbour .....
" 9	Anchored at River St. John .....	10 30 a.m.	" 21	Left Bonne Espérance Harbour .....
" 9	Left River St. John .....	2 30 p.m.	" 24	Anchored at Percé .....
" 9	Anchored at Mingan Harbour .....	5 15 p.m.	" 24	Left Percé .....
" 9	Left Mingan Harbour .....	5 45 p.m.	" 24	Anchored at Point Peters .....
" 9	Anchored at Esquimaux Point .....	8 40 p.m.	" 25	Left Point Peters .....
" 9	Left Esquimaux Point .....	9 45 p.m.	" 25	Brought to and landed at Grande
" 10	Anchored off Grand Watsheeshoo		" 25	Grave .....
" 10	River .....	2 30 p.m.	" 25	Left Grande Grave .....
" 10	Left Grand Watsheeshoo River .....	5 00 p.m.	" 25	Anchored in Gaspé Basin .....
" 10	Anchored at Nabisippi .....	10 00 p.m.	" 25	Left Gaspé Basin .....
" 11	Left Nabisippi .....	7 00 a.m.	" 27	Anchored at Quarantine Island,
" 11	Anchored at River Natashquan .....	10 40 a.m.	" 27	River Miramichi .....
" 12	Left the River Natashquan .....	4 15 a.m.	" 28	Left Quarantine Island .....
" 12	Anchored at the entrance of		" 28	Anchored at Chatham .....
" 12	Natashquan Harbour .....	6 30 a.m.	" 31	Left Chatham .....
" 12	Left entrance of Natashquan		" 31	Anchored at Newcastle .....
" 12	Harbour .....	6 45 a.m.	Aug. 1	Left Newcastle .....
" 12	Anchored in Natashquan Har-		" 1	Anchored at Chatham .....
" 12	bour .....	7 20 a.m.	" 3	Left Chatham .....
" 12	Left Natashquan Harbour .....	7 45 p.m.	" 3	Anchored in Miramichi Bay .....
" 13	Brought to and landed at Little		" 4	Left Miramichi Bay .....
" 13	Mecatina .....	2 00 p.m.	" 4	Anchored off the Mill (Amherst
" 13	Left Little Mecatina .....	3 10 p.m.	" 4	Island) .....
" 13	Brought to and landed at Whale		" 5	Left the Mill .....
" 13	Head .....	4 00 p.m.	" 5	Anchored in the Basin (Amherst
" 13	Left Whale Head .....	6 10 p.m.	" 5	Island) .....
" 13	Brought to and landed at Murr		" 5	Left the Basin .....
" 13	Rocks .....	7 30 p.m.	" 5	Anchored at Entry Island .....
" 13	Left Murr Rocks .....	8 10 p.m.	" 6	Left Entry Island .....
" 13	Anchored at Sheep Bay .....	10 40 p.m.	" 6	Anchored at Amherst Harbour .....
" 14	Left Sheep Bay .....	10 00 a.m.	" 7	Left Amherst Harbour .....
" 14	Brought to and landed at La		" 7	Anchored at House Harbour .....
" 14	Tabatière .....	11 30 a.m.	" 8	Left House Harbour .....
" 14	Left La Tabatière .....	1 10 p.m.	" 8	Anchored in Pleasant Bay .....
" 14	Brought to and landed at Salt		" 9	Left Pleasant Bay .....
" 14	Lake .....	2 00 p.m.	" 9	Anchored at Entry Island .....
" 14	Left Salt Lake .....	2 40 p.m.	" 9	Left Entry Island .....
" 14	Anchored at Fecteau's Foundry		" 11	Anchored near Pictou Island .....
" 14	.....	3 20 p.m.	" 11	Left Pictou Island .....
" 14	Left Fecteau's Foundry .....	4 10 p.m.	" 11	Anchored at Pictou .....
" 14	Anchored at Kikapoe Harbour .....	5 15 p.m.	" 14	Left Pictou .....
" 15	Left Kikapoe Harbour .....	3 40 p.m.	" 14	Anchored at Charlottetown .....
" 15	Anchored again in Kikapoe		" 16	Left Charlottetown .....
" 15	Harbour .....	6 05 p.m.	" 18	Anchored at Paspebiac .....
" 16	Left Kikapoe Harbour .....	4 00 a.m.	" 20	Left Paspebiac .....
" 16	Anchored at Whale Head, at		" 20	Anchored at Port Daniel .....
" 16	Pecachoo .....	9 35 a.m.	" 20	Left Port Daniel .....
" 16	Left Whale Head, Pecachoo .....	11 45 a.m.	" 20	Anchored at the entrance of the
" 16	Anchored at St. Augustine .....	8 00 p.m.	" 20	Straits of Shipagan .....
" 18	Left St. Augustine .....	2 35 p.m.	" 21	Left the entrance of the Straits
" 19	Anchored at Blanc Sablon .....	4 00 a.m.	" 21	of Shipagan .....
" 20	Left Blanc Sablon .....	4 05 a.m.	" 21	Anchored at Cape Cove .....
" 20	Brought to and landed at Long		" 22	Left Cape Cove .....
" 20	Point .....	9 00 a.m.	" 22	Anchored at Percé .....
" 20	Left Long Point .....	9 15 a.m.	" 23	Left Percé .....
" 20	Anchored at l'île aux Perro-		" 23	Brought to and Landed at Point
" 20	quets .....	3 10 p.m.	" 23	Peters .....
" 20	Left l'île aux Perroquets .....	7 45 p.m.	" 23	Left Point Peters .....
" 20	Anchored in the Harbour at		" 23	Brought to and landed at
" 20	Bradore Bay .....	9 30 p.m.	" 23	Grande Grave .....
" 21	Left the Harbour at Bradore		" 23	Left Grande Grave .....
" 21	Bay .....	3 30 p.m.	" 23	Anchored at Douglstown .....

## EXTRACT from Log-book, &amp;c.—Continued.

Date	H.M.	Date.	H.M.
Aug 23	Left Douglstown .....	Sept 26	Brought to and landed at Whale
" 23	Anchored at Gaspé Basin .....		Head, Pacachoo .....
" 25	Left Gas, é Basin .....	" 26	Left Whale Head, Pacachoo .....
" 25	Anchored at l'Anse Brillante .....	" 26	Brought to and landed at La
" 26	Left l'Anse Brillante .....		Tabatière .....
" 26	Anchored at Point Peters .....	" 26	Left la Tabatière .....
" 26	Left Point Peters .....	" 26	Brought to and landed at Whale
" 26	Anchored at Cape Rosiers .....		Head, Macattina .....
" 27	Left Cape Rosiers .....	" 26	Left Whale Head, Macattina .....
" 27	Anchored at Griffin's Cove .....	" 27	Anchored at the River Natash-
" 27	Left Griffin's Cove .....		quan .....
" 27	Anchored in Great Fox River .....	" 27	Left the River Natashquan .....
" 28	Left Great Fox River .....	" 27	Anchored in Natashquan Har-
" 29	Anchored at Montlouis .....		bour .....
" 31	Left Montlouis .....	" 29	Left Natashquan Harbour .....
Sept 1	Anchored at Ste Anne des Monts .....	" 30	Anchored at Esquimaux Point .....
" 2	Left Ste Anne des Monts .....	" 30	Left Esquimaux Point .....
" 2	Came back and anchored at the	" 30	Anchored at Mingan .....
	same place .....	Oct. 2	Left Mingan .....
" 2	Again left Ste. Anne des Monts .....	" 2	Anchored at Long Point .....
" 2	Anchored one mile below the	" 2	Left Long Point .....
	River at Ste Anne des Monts .....	" 2	Anchored at River St. John .....
" 3	Left the last anchorage .....	" 2	Left River St. John .....
" 3	Anchored again .....	" 2	Anchored at Rambler's Cove .....
" 3	Left again .....	" 3	Left Rambler's Cove .....
" 3	Anchored at Cape Chat .....	" 3	Anchored at Thunder River .....
" 3	Left Cape Chat .....	" 3	Left Thunder River .....
" 4	Anchored at Magdalen River .....	" 4	Anchored in Gaspé Basin .....
" 4	Left Magdalen River .....	" 7	Left Gaspé Basin .....
" 4	Anchored at Grande Vallée .....	" 7	Brought to and landed at Grande
" 4	Left Grande Vallée .....		Grave .....
" 5	Brought to and landed at Côte	" 7	Left Grande Grave .....
	Sauvage .....	" 7	Anchored at Malbaie .....
" 5	Left Côte Sauvage .....	" 7	Left Malbaie .....
" 5	Brought to and landed at St.	" 7	Anchored at Percé .....
	George's Cove .....	" 8	Left Percé .....
" 5	Left St. George's Cove .....	" 8	Anchored at Cape Cove .....
" 5	Brought to and landed at	" 8	Left Cape Cove .....
	Grande Grave .....	" 8	Anchored at Grand River .....
" 5	Left Grande Grave .....	" 8	Left Grand River .....
" 5	Anchored in Gaspé Basin .....	" 9	Anchored at Paspebiac .....
" 11	Left Gaspé Basin .....	" 10	Left Paspebiac .....
" 11	Anchored at Percé .....	" 11	Anchored at Carleton .....
" 11	Left Percé .....	" 11	Left Carleton .....
" 11	Anchored at Bonaventure Is-	" 11	Anchored at the Mission (Resti-
	land .....		gouche) .....
" 12	Left Bonaventure Island .....	" 13	Left the Mission .....
" 12	Anchored at North Cape, Grosse	" 13	Anchored at Carleton .....
	Isle, Magdalen Islands .....	" 14	Left Carleton .....
" 13	Left North Cape .....	" 14	Anchored at Maria .....
" 13	Anchored at Amherst .....	" 14	Left Maria .....
" 14	Left Amherst .....	" 14	Anchored at New Richmond .....
" 14	Anchored at Cape Moule .....	" 16	Left New Richmond .....
" 16	Left Cape Moule .....	" 16	Anchored at Grand Bonaven-
" 16	Anchored at Amherst .....		ture River .....
" 17	Left Amherst .....	" 16	Left Grand Bonaventure River .....
" 17	Anchored at Sandy Hook .....	" 18	Anchored at Paspebiac .....
" 18	Left Sandy Hook .....	" 18	Left Paspebiac .....
" 20	Anchored at Wood Island .....	" 18	Anchored at the entrance of
" 22	Left Wood Island .....		Carquette Harbour .....
" 22	Anchored at Bonne Espérance .....	" 18	Left the entrance of the harbour .....
" 23	Left Bonne Espérance .....	" 18	Anchored in Carquette Har-
" 23	Anchored at St. Augustine .....		bour .....
" 26	Left St. Augustine .....	" 19	Left Carquette Harbour .....

EXTRACT from Log-book, &c.—*Concluded.*

Date.		H.M.	Date.		H.M.
Oct. 20	Anchored at Percé .....	2 30 a.m.	Nov. 2	Left Kamouraska.....	5 30 a.m.
" 10	Left Percé.....	5 00 p.m.	" 2	Anchored at Ste. Anne.....	9 00 a.m.
" 21	Anchored near the Sand Bank in Gaspé Bay .....	0 40 a.m.	" 2	Left Ste. Anne.....	4 45 p.m.
" 21	Left the Sand Bank.....	6 50 a.m.	" 2	Anchored at Berthier .....	11 05 p.m.
" 21	Anchored in Gaspé Basin.....	10 30 a.m.	" 2	Left Berthier .....	6 30 a.m.
" 23	Left Gaspé Basin.....	1 50 p.m.	" 3	Anchored in the Harbour of Quebec.....	8 30 p.m.
" 23	Anchored at Percé .....	4 45 p.m.	" 4	Sailors discharged this evening.	
" 24	Left Percé.....	11 30 a.m.	" 6	Sailors discharged this evening.	
" 24	Anchored at Malbaie.....	4 00 p.m.	" 6	<i>La Canadienne</i> towed to the Provincial Steamers' Wharf. Began to land things from <i>La Canadienne</i>	
" 25	Left Malbaie .....	2 00 p.m.	" 7	Everything has been landed from <i>La Cana-</i> <i>dienne</i> and stowed away in the Govern- ment store-houses. The schooner lies at the wharf until the 14th, when she is towed to Dinning's shipyard, and on the 16th she is taken to the <i>Palais</i> .	
" 26	Anchored at Fox River.....	1 15 p.m.			
" 28	Left Fox River .....	6 10 a.m.			
" 30	Anchored at Old Bic.....	4 50 p.m.			
" 31	Left Old Bic .....	11 40 p.m.			
Nov. 1	Anchored at the Pilgrims .....	1 40 p.m.			
" 1	Left the Pilgrims.....	3 00 p.m.			
" 1	Anchored at Kamouraska.....	8 50 p.m.			

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# APPENDIX.

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## MR. W. H. VENNING'S REPORT.

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SAINT JOHN, N. B., 10th October, 1867.

To the Honorable the

Minister of Marine and Fisheries, Ottawa.

SIR,—I have the honor to submit a Report, the result of my labours in the duty assigned me. I regret that it is not more full and comprehensive, and I particularly regret the paucity of statistical information it presents. The time to which I was limited by your letter of instructions precluded me from obtaining this more fully, as is explained in the Report.

Begging your leniency to all imperfections which may be apparent,

I have the honor to be, Sir,

Your obedient servant,

W. H. VENNING.

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## R E P O R T

To the Honorable the

Minister of Marine and Fisheries, Ottawa.

SIR,—In obedience to your letter of instructions of the 9th August, ordering me to examine into and report upon the present condition of the Fisheries of the Bay of Fundy, and of the rivers emptying into it, and to your oral instructions of the 21st August, directing me to include in that examination the South-west Branch of the River Miramichi,

I have the honor to report, that after having had an interview in Saint John, with W. F. Whitcher, Esq., of the Department of Marine and Fisheries, and having received from him some additional instructions and suggestions as to the points upon which information was most desirable, I proceeded at once to the upper waters of the South-west Miramichi, in order to see, before the fishing season closed, the actual state of things on that much abused river.

The highest points to which migratory fish ascend to deposit their spawn, are about fourteen miles above the Forks, in the County of Carleton. The river here divides into two streams, called the North and South Forks, up both of which, but especially in the vicinity of their confluence, salmon resort in great numbers, whenever they can escape the toils that beset their upward progress.

From the mouth of the Shiktahawk, a tributary of the Saint John, a short distance above Florenceville, in the County of Carleton, there is a road through Glassville to the South Fork, the distance being about 15 miles. Over this road, for some years, it has been the practice of various parties to take canoes, and all the implements of illegal fishing, such as sweepnets, spears, torches, &c., and literally to sweep the streams of every fish that

has succeeded in running the gauntlet of all the obstructions existing in the lower part of the river. Three years ago one man took 80 salmon in one night, and other parties also took large numbers during the same season. As these were all breeding fish, and were most probably the greater part of all that succeeded in reaching this high spawning ground, the consequences of this destruction are now apparent in the fact that last year the party took but five fish, and this year but three, while in the whole upper waters, from Boiestown to the Forks, salmon were never known to be so scarce, in consequence of which scarcity the settlers have resorted to all possible means of taking them. Scarce a stream or brook in the whole distance from Boiestown to Burnt Hill, but gave evidence of nets having been set at its mouth, while spearing by torchlight is pursued more perseveringly than ever.

While in Boiestown, and on the upper waters of the river, I heard loud complaints against a Mr. Fletcher, of New Hampshire, who last season visited the stream for the purpose of obtaining spawn to re-stock the Merrimack River, whose head waters are in that State. I made the most particular inquiries respecting the cause of these complaints from persons aware of the facts, among who were William Wilson, Esq., a Magistrate, and George Palmer, the Warden of the District at the time Mr. Fletcher pursued his operations. As Mr. Fletcher exhibited a letter, signed by the late Mr. Fulton, of the Provincial Secretary's Office, requesting the Wardens to aid and assist him in his object, no obstacle was placed in his way; but it is matter of regret that his letter of permission was not more explicitly worded, as it gave him liberty to pursue his object without any regard to the interests of the river. He appeared to be ignorant of the proper mode of conducting his operations, and consequently destroyed, unnecessarily, a large number of breeding fish. I was informed that after spearing many, both male and female, and obtaining a large quantity of spawn, he placed it in kegs of water, which he corked up, and on his arrival at Boiestown, he found it, as he ought to have known he would, decomposed and useless. This necessitated a further slaughter, and altogether he destroyed over 200 fish. The second lot of spawn he obtained, he was instructed to place in wet moss, and of this he succeeded in hatching, as I was since informed, about 90 per cent. I found that Mr. Fletcher's proceedings had caused great dissatisfaction along the whole course of the river; the settlers thinking it hard that a stranger should come armed with permission to do that which the law strictly prohibited them from doing. It is matter of great regret that so many fish were unnecessarily destroyed. Had Mr. Fletcher made use of the net instead of the spear, he could have attained his object without killing a single one. The number of male fish killed before the requisite number of females could be secured, was very large, and the use of the net would have obviated the necessity of this destruction. A full-grown salmon matures about 10,000 ova, and consequently, half-a-dozen females and three or four males ought to furnish a sufficient supply of ova and milt for all practical purposes of re-stocking a river. In any future permission granted for this purpose, I would respectfully suggest that the applicant be limited to a certain number of fish, and strictly prohibited from using the spear. The most adroit spearer often fails in transfixing a fish, but he seldom fails in striking it, consequently, in addition to the fish killed, a larger number are wounded, and either die a lingering death or are incapacitated from performing the functions of propagation. The use of the spear, being the most destructive mode of fishing, should be entirely prohibited under all circumstances. I would further suggest that for six years, at least, no permission to take spawn from the Miramichi be granted. For the last few years the number of fish that have succeeded in reaching the spawning grounds in this river has been very limited, owing to the almost insurmountable obstacles that beset them in every mile, and the few that have got up have been so persistently swept out of the pools by nets, and harrassed by spearers, that it is really wonderful the river has not been entirely depopulated.

Gaspereau formerly ascended the South-west in vast numbers to Miramichi Lake, a famous spawning place of this fish; of late years their numbers are much decreased, owing to illegal fishing, by stretching nets entirely across the river, and by allowing them to remain set during the downward passage of the fish, by which large numbers of spent and useless fish are destroyed. Gaspereau enter this river about the first week in May, ascend to their spawning grounds, and return to sea about the last of June, consequently gaspereau nets should not remain set later than the 20th of that month, as, in addition to destroying

vast numbers of poor and useless fish on their downward passage, numbers of large trout and young salmon, which about this time ascend the river, are frequently taken in them.

Below Boiestown the facilities for net fishing are greater than they are above, and consequently nets are more numerous; in most cases they are illegally set, and no attention is paid to the weekly *close time* which the law requires. At Price's Island, about six miles below Boiestown, stakes were set entirely across the stream, and although the net was not on when I passed, there is no doubt that it had been extended from shore to shore, while the regulations for this part of the river provide that no net shall extend across more than one-third part of the channel. At this place there are a number of islands dividing the river into narrow channels, and there were evidences that nets had been set completely across these, in direct violation of the law. In most cases the nets had been taken up, and there were no means of identifying the offenders. From some of these islands stakes were set on both sides, so that the nets must have completely barred the ascent of fish. Whether the nets were up in consequence of the owners having heard of my object in visiting the river, I am unable to say; but, as the time for legal fishing had not expired by some days, I am inclined to think this was the cause, as in all cases where nets were legally set I found them extended on the stakes.

There are two other points where the facilities for illegal fishing are very great; one at Arbo's, near the mouth of Cain's River, the other at Astle's not far from the head of the tide. At both these places nets are stretched entirely across the stream at every favorable opportunity, and I was informed that sometimes the fish were driven into them by men in canoes.

There is another practice pursued to a considerable extent on the river below Boiestown, which is very destructive and should be entirely prohibited. I allude to the use of gaspereau nets for making salmon ponds, by which means large numbers of grilse and trout are taken. All nets of less than five inches in the mesh should be prohibited after the 25th June.

From Price's Island to the mouth of Bartholomew's River, the same indications of illegal netting were observed. There being but one Warden between Boiestown and Indiantown, there is every facility for pursuing this with impunity. This part of the river is comparatively free from spearing, the character of the water not favoring this destructive pursuit.

From Bartholomew's River to Indiantown, I observed large quantities of slabs, edgings, sawdust and other mill rubbish, in some places forming bars and islands in the river, and accumulating at every turn of the stream. These came from a mill owned by Mr. McLaggan, and were in direct violation of sec. 17 of the law. There is no fish-way in the dam on this river, and fish are unable to ascend it. I was informed that salmon formerly frequented it in large numbers.

At the mouth of Renous River, drift nets are in general use, and spearing is pursued to a considerable extent; while further up that stream spearing is a common practice. This river, and the Dunganven, which empties into it about six miles from the mouth, are both resorted to by large numbers of salmon for the purpose of spawning. Spearing is not practised on the Dunganven, but numbers of breeding fish are every season swept out of the pools by nets. At the time of my visit the water was too low to admit the passage of a canoe, consequently I had to rely principally upon information gathered from parties who had lumbered on them. From this information I am of opinion that these streams are admirable nurseries for fish, and their protection is so much to be desired, that I think it would be advisable to prohibit fishing entirely on these waters, and preserve them as nurseries, for but few fish can reach the spawning grounds on the main river, and of these still fewer get a chance to deposit their spawn.

At Indiantown I had an interview with Christopher Parker, Esq., Fishery Warden for the district, a very intelligent gentleman, fully alive to the importance of protecting the river, aware of the evils that exist, and most anxious for their removal. In the course of conversation with him, I learned that a former Warden had allowed ten days' additional fishing, after the 31st August, that this had become a custom on the upper part of the river, and that he had not, in consequence, been able to enforce the law. The Magistrates were reluctant to act with the requisite vigor, and although he had often given information of illegal fishing, and had done all in his power to obtain convictions, he could not recall

a single instance in which the full penalty was exacted. This, he thought, arose from a vague opinion entertained by them that the law was defective. I could not learn the origin of this opinion, which, however, Mr. Parker did not share. He considered the law amply sufficient to meet the cases reported, and he blamed the Magistrates, for not doing their duty in enforcing its provisions. This indisposition, on the part of the Magistrates, I found to be common wherever I went, and I imagine it arises from the laxity which has hitherto prevailed throughout the whole Province on the subject of the protection of the Fisheries, and until this protection is assumed by Government, there is little hope of the regulations being enforced, as, from local causes, neither Wardens nor Magistrates are willing to act with vigor. Mr. Parker's district is so extended that he finds it extremely difficult to detect nets illegally set, for as soon as he starts on a tour of inspection, word is passed from neighbor to neighbor, and the illegally set nets are all taken up before his arrival at their localities. The district from Indiantown is much too extended for a single Warden, and as there is so much illegal fishing in its whole extent, there ought to be at least two more officers to protect it.

Between Indiantown and Beaubear's, Island there were evidences of a number of nets having been set, but as they were all up at the time, I am unable to say whether they infringed the Regulations.

At Chatham I had an interview with Peter Miller, Esq., who having entered upon the duty assigned him, had already visited the North-west Branch, and had proceeded thence to the mouth of the river, which obviated the necessity of any further examination of it on my part.

From all with whom I conversed, and from every one to whom I pointed out the consequences of illegal fishing, I met with the greatest civility. All admitted the evils which existed on the river, and most all expressed a strong wish to see them removed. In one instance I met a man and a youth going up the river with all the implements of spearing. On questioning him he admitted that he intended to spear that night. I cautioned him against this breach of the law, but he said that laws were of no use if those who made them were the first to break them. He complained bitterly of Mr. Fletcher, who had, he asserted, destroyed more fish in one season than he himself had in five years; and he thought it too bad that he should be deprived of taking a fish that his family needed, while a stranger might kill hundreds uselessly and unnecessarily. He said they might prosecute him if they chose, but he would spear notwithstanding. I explained to him the object that Mr. Fletcher had, and that if he had done wrongly, care should be taken that no repetition of his practice should be permitted. The man seemed appeased, to my great satisfaction he did not spear that night, although I have little doubt he did so as soon as I left that part of the river. The settlers all regretted the yearly decrease in the number of fish, and seemed anxious that measures should be taken to restore the river to its former state. Every one I met expressed his readiness to comply with the laws, if his neighbor would do so too. Those who resided on the upper part of the river, threw all the blame upon those below, for not allowing the fish to get up, while those below attributed the falling off to the destruction of fish on the spawning grounds. The truth is, that while all pretend to regret illegal fishing, all persist in practising it, and are doing everything in their power to perpetuate the very evils they deplore, and if the Fishery Laws are not vigorously enforced, it will be necessary, in order to prevent the total depopulation of the river, to prohibit fishing on it entirely.

In view of the present state of this river, and of the rapid rate at which salmon are decreasing, I think that fishing should cease on all parts of the river on the 15th August. At present, above Beaubear's Island, on both branches, netting is legal till the 31st, and in consequence of some improper permission given by a former Warden, it is permitted till the 10th of September, in manifest violation of the law, and to the great injury of the river.

I regret that I found it utterly impossible to get any reliable statistical information. There appeared a manifest disinclination on the part of all to state the number of fish they had taken during the season, and in several cases I have reason to believe that I was purposely misinformed; the number taken being largely in excess of the number stated, but all accounts agreed in the great decrease of fish during the last ten years.

Being anxious to reach the upper waters of the Saint John before the pickets were removed, so that I could form some definite idea of the manner in which net fishing is actually pursued on that river, I proceeded to the Grand Falls by stage, and arrived there on the morning of the 5th September. I engaged a man and his canoe to take me down the river, and proceeded at once to collect information respecting its fisheries.

Salmon ascend to the Grand Falls, about 240 miles from the sea, and all the important tributaries which are not obstructed by impassable dams. Both shad and gaspereau frequently ascend to the Falls, and all are taken by drift nets in their immediate vicinity, as well as in the whole course of the river.

*Salmon River*, which enters the St. John on the east side, a few miles below the Falls, was formerly the resort of immense numbers of salmon; but of late years drifting and spearing at its mouth have greatly reduced them. Although fishing by drift nets is entirely prohibited in the Saint John, still, owing to the negligence of the proper authorities, it is openly pursued wherever the water is favorable. But few nets are set between the Falls and the Aroostook, drifting being the ordinary mode of fishing.

*The Aroostook* is a very considerable tributary of the Saint John, flowing into it from the westward, up which salmon ascend to the foot of an impassable Fall, about four miles from its mouth. As all the fish that enter this river are confined in this short distance, great havoc is committed among them in all the modes that dishonest ingenuity can invent. In the basin below the Falls, large numbers are swept out with nets, and spearing is practised throughout its whole length, from the Falls to its mouth. John Russell occupies the land at the Falls, and claims a monopoly in this illegal work.

*The Tobique* is a large river entering the Saint John on its eastern side, and as there is at present no artificial obstruction in its course, it is a favorite spawning place for salmon, which resort to it in large numbers. There is an Indian Village at its mouth, the head-quarters of all the Indians on the Saint John and its branches. These Indians not only spear openly in the vicinity of the mouth of the river, but pursue the fish to its head waters, and take them at all times, and in all modes, without the slightest regard to the laws. There is a Warden here, Mr. John Giberson, whose district extends to the mouth of the St. Francis, many miles above the Grand Falls. As no migratory fish can pass the Falls, there is little need of a Warden above, and if this officer were directed to concentrate his attention to the waters of the Tobique and the Aroostook, and would do his duty fearlessly and faithfully, this wholesale destruction of breeding fish in both these rivers might be prevented. I passed the Tobique about 8 o'clock in the evening, and counted no fewer than six canoes, each with two Indians pursuing their unlawful work. Mr. Giberson informed me that salmon were more plentiful this year than they had been in the Tobique for many previous years.

*River de Chute* on the west, and the *Munquart* and *Shiktahawk* on the east, are small and inconsiderable streams, up which no migratory fish ascend.

*Big and Little Presqu'île*, two considerable streams flowing in on the west side, are both frequented by salmon, and as usual, spearing is practised on both.

*The Becquimic*, a considerable stream entering from the east, was formerly frequented by salmon, but a mill-dam, without a fish-way at its mouth, now prevents their passage. The presence of a net, set below, being the first I had seen since leaving the Grand Falls, leads me to think they still endeavor to ascend it.

At Upper Woodstock I had an interview with Hugh Harrison, Esq., Warden of the district, from Eel River to River de Chute, a distance of 57 miles. I found him a very intelligent gentleman, and extremely anxious to do all in his power to enforce the laws and protect the river, and in consequence his district is freer from illegal practices than any other on the whole course of the river. Mr. Harrison informed me that it was impossible for him to exercise as strict a supervision as he wished over so extended a district, but he did the best he could, and he found the people generally willing to obey his instructions, which proves that Wardens can do their duty if they choose. Mr. Harrison had been



obliged to prosecute several offenders, and he complained of the disinclination of the Magistrates to do their duty with vigor, and enforce the full penalties of the law. He found the 5th section of the General Regulations defective, because no penalty is attached to its infringement; in the only case in which he had tested it, he was unable to obtain a conviction, and although he had seized the offending nets, he was obliged to restore them. Since my interview with Mr. Harrison, I have received the following letter from him:—

“WOODSTOCK, CARLETON, 10th September, 1867.

“SIR,—I proceeded yesterday morning to Eel River, the lower end of my district, and did not find things entirely satisfactory. I would recommend that fixed nets be entirely done away with, from Fredericton upward, or else a tax of \$10 on every net set, as I am convinced that fixed nets are more destructive to salmon than either drifting or spearing.

“I would further recommend that there should be one Warden from Eel River to Little Presqu'ile, which would include the Parishes of Woodstock and Wakefield on the west, and Northampton and Brighton on the east. For the Parishes of Simonds and Wicklow, Peel and Kent, one or two as the Government may determine.

“I may add that I have always been much interested in the protection of the Fisheries, and have endeavored as far as possible to carry out the laws regarding them.

“I am, Sir, yours sincerely,

“HUGH HARRISON,  
“Fishery Warden.

“W. H. Venning, Esq.”

Although Mr. Harrison is the most intelligent Fishery Warden I have conversed with during my tour of inspection, and his opinions are worthy of respect, yet I cannot agree with him in his estimate of the comparative destructiveness of spears and picket nets. I consider spearing the most destructive and reprehensible mode in which salmon can be taken, as by the spear as many salmon are wounded as are taken, and as the clear shallow waters of the spawning grounds offer the greatest facilities for this mode of fishing, it is impossible to over-estimate the damage that is done; though I agree with him that picket nets are more destructive than drifting in such a river as the St. John, still I am not prepared to endorse his opinion as to the propriety of doing away with the former entirely; it would no doubt tend to the preservation of the fish, because fewer would be taken, as there are comparatively few places where drifting could be followed to advantage, so that it would be manifestly unjust to that great majority of settlers whose fronts would not admit the use of drift nets. These latter are very properly prohibited by law, because, if nets are set from each shore, and drifting is allowed in the middle of the river, no fish can escape; therefore, I think it wise to prohibit drifting entirely, and to enforce the regulations more strictly with respect to picket and killock nets, which should both be made to observe the weekly *close time*; but, I fully agree with him as to the justice and expediency of imposing a tax on *all* nets legally used, as those who derive the benefit of the Fisheries should contribute to their protection; at present not one of the owners of the 150 nets which I counted on the St. John, nor of the 110 on the south-west Miramichi, contributed a cent to protect these rivers, which they expect the public to do for their sole benefit.

The *Meduxnakik*, at Woodstock, was formerly one of the best, if not the very best, of all the rivers that flow into the St. John, for salmon, shad and gaspereau, but in consequence of the neglect to place a fish-way in the dam at its mouth it is now nearly deserted by all these fish. Mr. Harrison informed me that he had, several times, notified the owners of this dam, that they had promised to comply with the law, but that nothing effectual had been done. He said a hole had been cut in the bottom of the dam through which an occasional fish might find its way, when not choked up with rubbish, but that it was wholly useless for the purpose intended. He said the lumbering interest was too strong on the St. John—it had swallowed up all other interests—and large mill-owners were privileged characters, with whom it was not safe to interfere. I regret to say that many facts of my

own observation compel me to corroborate Mr. Harrison's assertions, and the total absence of fish-ways in all the mill-dams in the Province fully verifies it.

I called and examined this dam, and had some conversation with Mr. Smith, one of the owners, who admitted that the apology for a fish-way was quite useless. It was generally choked up with mill rubbish, and even when clear of this it is quite inadequate to meet the requirements of the law. I told him of the necessity of complying with the Regulations for the protection of the Fisheries; he admitted their justice and promised to do his share towards rectifying the evil. I did not succeed in finding Mr. Davis, the owner of the grist mill on the same dam, and was obliged to defer seeing him on the subject. It is a matter of great regret that this fine stream has been so long closed to no fewer than three species of valuable fish; and this fact is the less excusable, because the dam is very low, and offers every facility for the erection of a fish-ladder at a very trifling outlay, without the least detriment to the mills.

*Eel River* is a fine large stream flowing in from the west, with a dam and grist mill a few hundred yards from its mouth. There was no fish-way, although there was waste water enough to supply several. On enquiry I was informed by Mr. Moore, an old resident of the place, that previous to the erection of this dam large numbers of salmon and shad were caught at the mouth and up the river, but of late years they have all been very scarce. He said they still came every season to the foot of the dam and made abortive efforts to get over. This dam is very low, and a small sum would place a sufficient fish-way in it. I called at the house of Mr. Dow, the owner of the mill, but as he was then in Fredericton, I regret that I had to leave without seeing him.

At the mouth of the *Shogamoc*, a small and unimportant stream not resorted to by migratory fish, there is a large saw-mill, and quantities of saw-dust and mill rubbish have accumulated in the neighborhood to the great injury of the river.

The *Meductic*, the *Pekiok*, and the *Narkawikak* are small streams not frequented by fish. Below the mouth of the latter I found a net set, although the time for legal netting had expired eight days previously. I called at the nearest house and enquired for the owner. I was told that he lived four miles further up the river. I asked him if he was aware that the time for legal fishing had expired. He pretended total ignorance of any law on the subject, and said that he had never heard of any Warden on that part of the river; he said, however, that he would send word to the owner, and have it taken up before noon. This man gave his name as George Thornton, and I am convinced he was himself the owner of the net, and knew perfectly well that he was acting contrary to laws he well understood. I met several instances of this denial of ownership and pretended ignorance, and I think the rule requiring all nets to be legibly marked with the owner's name, as required in the General Regulations, should be rigidly enforced.

From Woodstock to this part of the river (about 30 miles above Fredericton), I found pickets set at every turn of the stream, and at every place at all favorable for the purpose. At this particular place there were pickets extending from several islands and bars which from the length of their line, I feel quite certain stretched beyond the legal limits of one-third of the width of the channel. I think the Northumberland Regulations, which prohibit nets from being set from islands or bars, could be beneficially applied to the St. John.

The *Nashwaak*, which flows into the River St. John from the eastward, was formerly considered the best of all its tributaries as a salmon river, and was also frequented by large numbers of shad. It is now and has been for many years all but closed to them by a dam about three miles from its mouth. That a few fish have, from year to year, been able to accomplish the passage over this dam is happily evidenced by the fact that some still ascend to the dam and are often seen to leap over it. As the salmon returns only to its native stream to spawn, there is no doubt this remnant would soon restock the river, if a free passage were provided. But this is another instance in which the lumbering interest has been allowed to override all others. For years attempts have been made to get a pass in this dam, and our late Governor, the Hon. A. H. Gordon, made a special effort to accomplish this much desired result, but, strange to say, without success. I cannot clearly understand how the owner, Mr. Gibson, has so long succeeded in evading the law on this

subject, but that he has done so is a fact much to be lamented. I was informed by Marshall Richey, Esq., of Fredericton, and his information was corroborated by Henry Rutter, Esq., of the same place, that this season several salmon have been taken below the dam, and that one was seen during the last week in August to go up the sluice-way into the river. It is really lamentable to know that fish have been waiting so long in vain to have a passage provided for them, and that an admirable and important nursery for salmon and shad is entirely destroyed by the refusal of one man to comply with the laws of the Province. What makes this matter more strange is the fact that there are no peculiar difficulties in the case; a fish-way can be constructed at no great cost, and without the least detriment to the interests of the mill. I consider the construction of a sufficient fish-pass in this dam of the highest importance, and would strongly recommend that immediate compliance with the law be enforced. The moral effect on other mill-owners will be most salutary, and would deprive them of what is at present a strong excuse for their own neglect. "Why don't you make Gibson do it?" is a question I have been asked a score of times, and I must confess I have never been able to give it a sufficient answer. There is a vast quantity of slabs, edgings, saw-dust and other mill rubbish thrown into the stream, and compliance with the law in this respect is much to be desired. Other mill owners are obliged to burn their saw-dust, and I see no reason why this should be an exceptional case, especially as it is very prejudicial to the river.

The *Oromocto* is a considerable river, entering from the westward. It is navigable for small vessels and steamers for a distance of about twenty miles, when it separates into two branches, both flowing from lakes. There are two dams on the North Branch, one owned by the Hon. Wm. Todd, of St. Stephen, the other by Jeremiah Tracy, Esq., who resides in the neighborhood. Previous to the erection of these dams shad and gaspereau ascended to the lake, which was a famous spawning place for these fish, while the whole length of both streams was the spawning ground of salmon. As there are no fish-ways in the dams, the stream above is depopulated, but numbers of each species are still caught below. Suitable fish-ways in the dams would effectually restore this river to its former state, and the necessity of their speedy erection is urgent. There is much mill rubbish in the river, and the abatement of this nuisance is much needed. There is not much netting in this river, but, as usual, the deadly spear makes sad havoc among the fish that still ascend.

After visiting this river I had an interview with Charles Burpee, Esq., the Member elect for the County of Sunbury, to the Parliament of the Dominion, formerly Warden for this District. With regard to the dams on this river and the Nashwaak, he informed me that the disposition on the part of Members of Government to favor large mill-owners, and the lumbering interest generally, rendered it almost impossible to get the law enforced. He had repeatedly notified the owners, but no attention was paid to the matter. He stated that the 18th section of the Act regulating the Fisheries, which provides that no salmon shall be taken after the 31st August, was evaded in his district. The law does not say that *nets shall be taken up*, consequently they remained set, under the excuse that they were intended to take *bass*. The exception in this section, in favor of *killock nets*, is taken advantage of, and almost all nets remained set on Sundays as well as week days, consequently there is no *close time* observed. As this is a matter of great importance, the section should be so amended that all nets *be taken up* at the appointed time, and the weekly close time, from Saturday night to Monday morning should be made obligatory on *all nets*, whether *killock* or picket nets. He found the same difficulty that Mr. Harrison experienced in enforcing section 5 of the General Regulations, because there was no penalty attached to its infraction. Mr. Burpee was of opinion that the whole subject required revision, and a more stringent enforcement of the laws and regulations.

A narrow and deep channel, called the *Jemseg*, connects the Grand Lake with the Saint John, into which it flows from the eastward about three miles above Gagetown. Salmon, shad and gaspereau pass through Grand Lake to Salmon and Gaspereau Rivers at its head. There is a dam at the mouth of the latter, which prevents the ascent of fish; but the passage up the former is unobstructed, and large numbers of salmon, shad and gaspereau ascend it a long distance; they are often taken as far up as the Richibucto Portage. As is the case on all our rivers, the fish are here destroyed in every

mode and at all times. Salmon have been more numerous in the river this year than for many previous years. Connecting with the Grand Lake are the Maquapit and French Lakes and several smaller ones. In these, as well as in Grand Lake, are numerous low flats, which are great resorts for spawning gaspereau, and on these flats fish are taken in large quantities in the very act of depositing their spawn. The warden has not been able to put a stop to this destructive practice, because these places are neither "Rivers, Bays, nor Harbours," and the 11th section of the General Regulations cannot be enforced. The protection of these spawning places is much to be desired, and the law should be so amended as to be operative in protecting them.

*Washademoak Lake* connects with the Saint John on the east side. At its head the New Canaan River flows into it. As this river is unobstructed it is resorted to by salmon, shad, and gaspereau in large numbers. At the mouth of the river there is a great deal of illegal fishing, and nets are often stretched entirely across. Spearing is not practised to much extent, and if the river were fairly fished there is nothing to prevent an unlimited increase; but the settlers on the upper waters complain that they now get but few fish. Connecting with the Washademoak are the Ocnabog and other small lakes, in which, as well as in the main lake, the flats are favorite spawning grounds of the gaspereau, and the law is here evaded in the same manner as in Grand Lake and those connecting with it. The same remarks as were made respecting Grand Lake are applicable to this.

The *Nerepis*, a considerable stream flowing swiftly over a rocky bed, enters from the westward. There are no mills on this stream, and I am glad to be able to say, for the first time, that there is no spearing practised on it. The only difficulty that this river has to contend against is over-netting near its mouth. For years many salmon have been netted in the neighborhood of Britain's Point, as late as the month of November. Last year a very large number were taken, which, I understand, were shipped to Boston in ice. It is very much to be desired that this illegal and destructive work should cease.

The *Kennebecasis* is a very large river flowing in from the eastward, just above the Narrows. At Darling's Lake, the *Hammond River*, a very considerable stream, flows into it. Salmon ascend the main river, which is unobstructed, as far as the head of Sussex Vale, and also the Hammond river, to the foot of a dam owned by Mr. Titus, by which their further progress is barred. Before this obstruction was built, they ascended many miles up this stream, which is peculiarly adapted to their habits, and offers splendid spawning ground. The state of things existing on these rivers in 1851, is described by the late M. H. Perley, Esq., and has continued to exist up to the present time. I cannot better describe their present condition than by quoting Mr. Perley's words, the only difference being that there are not nearly so many salmon to hunt:—"From Darling's Lake to Titus' Mill-dam, on the Hammond River, and from Hampton Ferry to the head of Sussex Vale, on the main stream, the salmon are hunted and destroyed in every possible way by nets, with torch and spear, in season and out of season. The inhabitants appear to be actuated by an insane desire to destroy every salmon which appears in these waters; and no sooner is it reported that salmon have been seen in any particular pool, than the whole neighborhood is in commotion with preparations for their destruction; the fish are pursued with untiring devotion until all are captured, except a very few, which perhaps escape to some place of shelter and safety." This description is not at all exaggerated, and it is really wonderful that the fish frequenting these rivers have not long since been exterminated. A few, however still ascend both streams, but the number left is now so small that it is rare to see one. I would strongly recommend that all fishing on these rivers be strictly prohibited. Nothing short of this will restore the river, which is so admirably adapted to the habits of salmon, and so well calculated as a nursery for this fish, that it is well worthy of careful preservation.

In Darling's Lake, at Rothsay Station, large numbers of the silver hake (*Mertucius albinus*) are taken in the winter through the ice with hook and bait; this is a salt-water fish, and its presence in this locality in winter would appear to be an exceptional case, not well understood, unless they resort there to feed upon young gaspereau.

The Harbour of St. John.—By a special clause in the Royal Charter incorporating

the City of St. John, dated the 18th May, 1785, the fisheries within the harbour are secured in perpetuity to the citizens, and are therefore under the control of the Corporation, subject, however, I presume, to such Legislative enactments as are made for the protection of the fisheries of the whole Province, although section 30 of the Act passed 20th April, 1863, would seem to except the Harbour of St. John from its provisions, in the following words:—"Nothing in this Act contained shall in any wise apply to or interfere with the fisheries of the Harbour of the City of St. John, or with the rights, powers, duties, authorities or privileges of the Mayor, Aldermen and Commonalty of the City of St. John." From the date of the Charter up to the 23rd April, 1862, the fisheries within the harbour were set off in lots, annually drawn for by lottery, and fishermen purchased from the winners all the lots that were worth fishing. By Acts 25 Victoria. caps. 50 and 51, passed at the time above mentioned, this lottery was abolished, and the lots on both sides of the harbour were ordered to be sold by auction on the first Tuesday in January of each year. Of the yearly proceeds of those on the western side of the harbour, a portion was applied, under certain conditions, to erect a Public Hall in Carleton, and the remainder to the payment of the interest on the Carleton Water Debentures. The yearly proceeds of those on the eastern side were applied, in like manner, to build a City Hall on the said side, and to pay the interest on the debentures issued for that purpose. The Common Council has power to appoint directors of the Fisheries within the limits of the city, and to regulate them generally, and although there is a law for that purpose, its provisions are never enforced; the same general laxity which prevails everywhere else throughout the Province reigns supreme here, and illegal fishing within the jurisdiction of the corporation is practiced to as great an extent as beyond it.

The law of the Common Council, passed 19th November, 1862, provides, by section 13, that "If any person shall, between the hours of twelve of the clock on Saturday night, and twelve of the clock on Sunday night, within the limits of the City of Saint John, fish the fisheries, or set, use, occupy or employ any net, seine, or other instrument or implement for taking fish, he shall forfeit and pay the sum of four dollars." Notwithstanding this, all the weirs in the harbour are "fished" at all times, and drifting is pursued openly.

The Provincial Law regulating the coast and river fisheries, passed 20th April, 1863, provides, by section 21, that no drift-nets or sweeping nets shall be used for catching salmon, *in any river, stream or harbour*, under a penalty of twenty dollars. Whether the Harbour of Saint John is exempted from the effect of this section, I am not prepared to say, but the preamble to the first fishery law passed by the Common Council, would seem to indicate that the Council did not contemplate exemption from the provisions of the General Law of the Province, for it says:—"Whereas, the regulating the fisheries within the City of St. John, *so far as may be consistent with and conformable to the provisions of the Acts of Assembly made for that purpose*, is of great importance to the inhabitants of the said City \* \* \* \* " Be this as it may, the City Law of 1862 provides, in section 7, that "the Mayor of the said City shall issue licenses to such persons as, in his discretion, he may think fit to use drift nets in the Harbour of Saint John, in such places and under such restrictions and regulations as may be by him for that purpose appointed and made," so that drifting is pursued to a greater extent in this harbour than in any other water in the Province, and it is really surprising that a single fish succeeds in passing through the labyrinth of nets that extends from Partridge Island to the Suspension Bridge, during the months of April, May, June, and July. Salmon, shad, and gaspereau are the principal fish taken in the harbour, and of these vast quantities are caught. Gaspereau generally make their appearance between the 1st and 10th April, and they are taken till the middle of June. About the middle of May shad enter the harbour, and salmon about the 1st to the 10th June; the latter are taken as late as the last of August. In consequence of the great increase in the number of drifting nets of late years employed outside of Partridge Island, the fisheries in the harbour have been less productive than they formerly were, and this year the catch in the harbour has been comparatively small, but outside in the bay it has been prodigious. The fishermen now drift their nets long distances down the bay, and to such an extent that vessels are frequently obliged to sail through them. If the nets that I have this season seen drifting, at one time in the bay, had been stretched in a line, they would have extended to Digby. I am credibly informed

that over 1,500 salmon, in one tide, have been taken between Musquash Harbour and the Beacon. In the opinion of many old fishermen, with whom I have conversed, it is desirable that this drifting should be regulated in some way, either by shortening the time of its continuance, or by prohibiting its practice within a certain distance of the land, so that the fish may have a chance to enter the river.

The shad caught in the spring are very inferior to those taken up the bay in autumn. They are full of spawn in a mature state for depositing, and as they are of little value as food, it is matter of regret that they are taken at all. The destruction of so many spawning fish, year after year, must eventually destroy the valuable shad fisheries of the upper part of the bay, which should be protected with the utmost care. The fishermen of Saint John have long been clamorous in their complaints of the illegal practices pursued in the upper parts of the river, and in all the tributaries to which fish resort to spawn, and while it must be admitted that there is only too much ground for these complaints, they are themselves as much to blame; they should correct the abuses that exist in their own limits, conduct their fishing in a fair and legal manner, use all their influence to protect the fisheries by a due observance of existing laws, and if these are insufficient, exert themselves to procure the passage of more effective ones. They derive the greatest benefit from these fisheries, and they should exhibit more solicitude for their protection.

The same short-sighted selfishness that appears to me to characterize fishermen everywhere is exhibited by those of St. John, who ought to be, from their superior intelligence, actuated by higher motives. I consulted with the leading men engaged in the business on both sides of the harbour, and a meeting was called at the house of Isaac Noble, Esq., of Carleton. An endeavour was made to get a unanimous expression of opinion on several points affecting the preservation of the river and harbour fisheries, but the selfishness of some who at present derive a profit from the illegal and injurious practices that prevail, prevented unanimity. These were ready enough to agree in anything that had reference to the upper parts of the river, and they would have recommended any measure, even to the extent of prohibiting all fishing in the river, that would not affect themselves, but as soon as their own profits were likely to be affected, the interest of the river and harbour were matters of secondary consideration. All admitted that the fisheries should be protected, but they wanted this protection applied in such a way that they themselves should not be affected. I must in justice state that John Littlehale and Isaac Noble, Esquires, were honorable exceptions to this narrow feeling, and were very anxious that the evils should be abated in a manner that would be fair and equitable to all parties.

I am indebted to Mr. Clawson, of the Controller's Office, for the following statement of the value of the fish shipped this season from the Port of St. John, up to the end of September, 1867:—

Fresh Fish.....	\$37,737 00
Smoked " .....	20,847 00
Preserved Fish .....	3,732 00
Dry Salted " .....	3,840 00
Wet " " .....	43,333 00
Lobsters.....	2,350 00
	\$111,839 00

The *St. Croix River* is the boundary between this Province and the State of Maine, the middle of the channel forming the limit of the jurisdiction of each. It is a very large river, separating into branches about 18 miles above St. Stephen. Each of these branches flows from an immense chain of lakes into which empty many smaller tributaries, and these streams, as well as the main branches, are admirably adapted to the propagation of fish. Previous to the year 1825 the dams that then existed on the river were provided with fish-ways, and both branches of the river literally teemed with salmon, shad and gaspereau. The accounts given by the older inhabitants of Calais and St. Stephen, as to the number of fish that frequented the river, are almost incredible. In 1825 the Union Dam was built, and as no provision was made to secure a passage for fish they have continued to diminish until only a remnant is left. The only difficulty in restoring this river lies in getting fish-ways in the dams, and in restraining the various mills from depositing their rubbish and

saw-dust in the river. This last practice should be prevented by the most stringent means, as the enormous quantities that have accumulated in the river bid fair to obstruct navigation entirely for some distance below St. Stephen.

In the grant from the Crown of the premises upon which the Union Dam is built, there is a special clause, with reference to the maintenance of a sufficient fish-way, and a failure to comply with this condition forfeits the grant, which shall, in such case, revert to the Crown. In direct violation of this clause, and in violation of Section 16 of the Fishery Law, the dam is still without a pass, and its proprietors are wholly chargeable with the destruction of the once valuable fisheries of the river. This is another instance of the manner in which large mill-owners have been allowed to violate the law with impunity, and in the face of so glaring a case as this, how can it be possible or fair to enforce the law in the case of smaller offenders. It is much to be desired that stringent measures be at once taken to enforce compliance with the conditions of this grant, and with the requirements of the Fishery Act, as in addition to the restoration of the river which will assuredly follow, the moral effect upon other mill-owners, whose dams are without fish-ways, will be inestimable.

The people of the State of Maine, who have been as blind to the importance of their river fisheries as our people are now, have of late opened their eyes to the state of their rivers, and are taking active measures to protect the streams to which fish still resort, and to re-stock those which have been deserted. The Government of that State has appointed two Commissioners to examine and report upon the state of the river fisheries, and these gentlemen have had the St. Croix under consideration, and are extremely anxious that the existing evils shall be removed. I was invited to confer with them, with a view to co-operation in this most desirable work, and hoped to have met them there, but at the time of my visit they were in New Hampshire, on business connected with the commission, and consequently I was unable to meet them.

N. W. Foster, Esq., one of the Commissioners, writes to me under date October 11th: "I have surveyed all the dams, and have selected the best sites for fish-ways, with the least inconvenience to mill-owners. I found our Fishery law was not what it should be, and I shall be happy to meet you in Calais and confer with you on a uniform law to be recommended to our respective Governments for this river. Please let me know when it will suit you to attend." I have arranged for a meeting with them in November, and I anticipate the best results from the conference.

From St. Croix I proceeded to the Parish of West Isles, which includes Deer Island, Indian Island, and all the small islands east of the Boundary line between this Province and the State of Maine, which is the middle channel of the Quoddy River and the passage between Lubec and Campobello. All the inhabitants of these Islands are engaged in fishing for cod, pollack, haddock, hake and herrings, and a large number of boats and vessels are owned by them, employing over 750 men. There are a large number of weirs on the islands, which also give employment to many more. As the best fishing grounds are on the British side of the boundary, the boats of American fishermen resort there and fish as freely as British subjects. While the Reciprocity Treaty was in force, this gave no cause of offence or complaint, as the British boats took their fish into Eastport free of duty, and good feelings mutually prevailed, but since the abrogation of this treaty, and the imposition of a high duty upon our fish, the inhabitants very reasonably complain that the Americans enjoy a free participation in their best fisheries, while a heavy duty is imposed on the fish caught by our fishermen in the same waters.

*Campobello*,—From Indian Island I proceeded to Campobello, where the fisheries are prosecuted with great vigor. The common herring is taken in large quantities in brush weirs, and are cured by smoking. In the best establishments, where care is taken, the herrings put up are scarce inferior to the celebrated Digby herrings. A larger species of this fish, very fat and of fine flavor, called "Quoddy Herrings" are taken in drift nets in autumn; these are salted and packed in barrels, and when well cured they are esteemed by many as superior to the Labrador and celebrated Lochfine herrings. Cod, pollack, haddock and hake are taken by line fishing and generally dried. There are several vessels engaged in the fisheries owned in this island; in the summer they go to Grand Manan and

the Nova Scotia Shore for herring, cod and mackerel, to St. George's Bay in winter for herrings and sometimes to the Tusquets, the Magdalen Islands and even to Newfoundland.

While there I had an interview with Captain J. J. Robinson, R.N., and John Farmer, Esq., Deputy Treasurer, whose information on the subject of the fisheries is extensive. They are of opinion that some regulations should be made respecting weirs, as disputes often arise in consequence of building weirs in front of those already built, by which the original weirs are rendered useless. They are strongly of opinion that fishing with the "bull-tow" or set line, as practised by American fishermen, was very destructive and should be rigidly prohibited. They informed me that the catch of fish this season would not exceed one-third of the quantity usually taken. I am indebted to the courtesy of John Farmer, Esq., for the following Statement, which he was at considerable pains to procure and compile:—

The following Statement shews the number of men, boys, and boats employed in shore fisheries of Quoddy Bay, belonging to the inhabitants of Campobello, in the year 1867:—

Number of Men.	Number of Boys.	BOATS.			Total.	Boxes Smoked Herring.	Barrels Pickled Fish.	Barrels Pickled Herring.	Quintals Dry Pollack.	Quintals Dry Cod.	Gallons Oil.
		20 to 24 feet.	18 to 20 feet.	14 to 18 feet.							
192	63	32	28	61	121	85,230	875	1,565	2,601	210	4,406

VALUES.

Smoked Herring.....	@ \$0 20 per box .....	\$16,046 00
Barrelled Herring.....	@ 4 00 per barrel .....	6,260 00
Pickled Fish .....	@ 2 50 per barrel.....	2,187 00
Dried Pollack .....	@ 2 00 per quintal .....	5,264 00
Dried Cod.....	@ 4 00 per quintal .....	840 00
Oil .....	@ 0 60 per gallon .....	2,644 00
		<u>\$33,241 00</u>

The following vessels are owned or chartered in Campobello, and employed in the Newfoundland Herring Fishery, in the year 1867:—

Owner or Charterer.	Name of Vessel.	Tonnage	Men.	Barrels Herring.	Value.
Lorenzo Wilson .....	Cordelia.....	138	12	1,700	
Do .....	Hebe .....	92	9	2,100	
Do .....	Ann Leonard.....	90	8	1,100	
Do .....	Z. A. Paine.....	100	9	1,400	
		420	38	6,300...	@ \$4 per barrel, \$25,200.

Total value of Boat Fishery .....	\$33,241 00
Do Vessel do .....	25,200 00
Total .....	<u>\$58,441 00</u>

J. FARMER,  
Deputy Treasurer.



*Grand Manan.*—I visited this island on the 1st October, inspected several of the principal fishing stations and curing establishments, and conversed with a number of the principal inhabitants engaged in the several modes of fishing. Cod, pollack and hake, are taken with hook and line, and herrings in brush weirs, of which there are 32 on the island. Within the last two years a process of extracting oil from herrings by pressure has been introduced and has been carried on to a greater or lesser extent during that time, in all the islands I visited. The process is as follows:—The herrings are first salted in huge vats, they are then boiled in large boilers, and the oil is pressed from the mass by the application of powerful screws. It is worth about 60 cts. per gallon. The refuse, after all the oil is extracted, is called pumice, and makes a fertilizing manure, not inferior to the best Peruvian guano. When fresh this pumice is destitute of smell, but after lying in a mass for a short time, chemical action commences, and large volumes of ammoniacal gases are evolved; the smell is then somewhat offensive, and the atmosphere in the neighborhood of these establishments is by no means pleasant. Upham J. Treat, Esq., of Eastport was the introducer of this process. He has a large fishing establishment on Treat's Island, between Eastport and Lubec, in connection with which are extensive arrangements for preparation of this fish-guano. Mr. Treat purchases most of the raw pumice produced in the various fishing establishments of Grand Manan, Indian and Deer Islands and Campobello, for which he pays about \$5 a ton. He mixes with it a proportion of ground gypsum, which fixes the gases; it is then dried and ground in a mill, when it is ready for application as a manure. It is extensively used in the agricultural districts of the New England States, and Mr. Treat ships large quantities of it to various places. I had an interview with Lorenzo Drake, Esq., the Warden for the district, who is of opinion that the weirs have a most injurious effect on the fisheries, by taking immense quantities of small herrings from three to four inches long; these are pressed for the oil, and since the introduction of this process, the fisheries generally had fallen off seriously. The line fishing for cod, pollack and hake, was injured by lessening the supply of food, which attracts them to our shores, and the net fishing was ruined by the weirs taking all the small fish before they had time to mature. Previous to the pressing of oil, the weirs had to open their gates, and allow the small fish to escape, but now fish of all sizes, down to the size of the thumb, are taken and consigned to the pot. Mr. Drake was of opinion that a tax of \$75 or \$100 on each weir would have the effect of lessening their number, as none but those in the most favorable positions would be continued, and these could well afford to pay the tax; the improved line fishing would soon give ample employment to those thrown out of work, and the tendency would be beneficial to all. Mr. John Hartt, a very intelligent trader, formerly but not now, concerned in the fisheries of the island, stated that the herring fishing, as now pursued, and the extraction of oil, was more profitable than under the old system, and he thought a tax on the weirs would have a tendency to depress enterprise. New localities were constantly being tried at large expense, and frequently weirs were built and abandoned, without returning the cost of their construction. He was of opinion that a rigid protection of the spawning grounds at Southern Head, and the enforcement of the regulations regarding "gurry" were all that was requisite.

Mr. Drake stated that formerly, when "driving" and net-fishing were the means employed in the herring fishery, the take of fish was much larger, and the line fishers had no difficulty in procuring bait, but now they had to depend in a great measure on the weirs, which charged 40 to 50 cts. a bushel for bait. On the other hand it was contended that "driving" destroyed, comparatively with the catch, as many small herrings as the weirs, and that instead of these being an injury, they were a convenience to the line fishers, and provided them with bait more cheaply than they could procure it otherwise. It was stated that between two and three thousand dollars had been paid, this season, for bait by the Cape Ann Fishermen.

I conversed with Mr. Bencraft, an intelligent weir owner at Bencraft's Point; with J. Wilford Fisher, Esquire, who owns a large establishment at High Duck Island; with Mr. Hamilton, who owns several weirs on Whitehead Island; and with a number of practical fishermen engaged in both weir and line fishing, and almost every one of them expressed different and conflicting opinions. The only point upon which they agreed was in throwing blame, from one to the other. The line fishers charged the weirs with ruining the

fisheries, and the weir fishers retorted the charge by asserting that the practice of throwing "gurry" or offal on the fishing grounds, not only destroyed the line-fishing but drove the herrings out of the coves and harbours.

This throwing over of "gurry," as the heads, bones, and intestines of fish are technically called, was the subject of loud complaint among all. Mr. Drake said he found it utterly impossible, by the most vigilance, to put an effectual stop to this violation of the law. The facilities for throwing over "gurry" in the night were so great, that he could not detect the offenders, and while he admitted the destructive effects of the practice, he could only deplore his want of power to control it. The consequences are, without doubt, highly detrimental to the fisheries, and these are the more to be deplored, as the greatest offenders are American fishermen, who not only encroach on our fisheries, but are most active in destroying them, by "bull-tow" fishing and throwing over their "gurry" indiscriminately. The effect of the practice seems to be this—the back bones are gorged by codfish, haddock and hake, and either kill them or render them totally valueless as food, and not worth the salt to cure them. The intestines and heads sink to the bottom, become decomposed, and give off an oil which is so offensive to the herrings that they will not approach the shores thus contaminated. Intelligent Americans stated to me that the most active cause of the destruction of the coast fisheries of the New England States, was this practice of throwing over "gurry" indiscriminately, and there is not the least doubt that persistence in it will be followed by the same result on our shores. If a regulation could be passed, making it imperative on fishing vessels to deliver their "gurry" on shore, to persons who would receive it for making guano, or for composting, this evil might be checked to a great extent. Mr. Drake stated that he would willingly receive and take charge of all that was brought to him, and would even pay a small price for it for these purposes, and no doubt others, in different localities would do the same. Saint Andrew's Bay was once frequented by large quantities of herring, cod, pollack, haddock and hake, but in consequence of the vast quantities of small herrings that used to be left in the weirs to die, and were then sent floating off on the ebb tide, combined with the practice of American fishermen of throwing over their "gurry" and, when camping on shore to clean and cure their fish, or leaving it on shore at low tide, the bay has been almost entirely deserted by fish of all kinds; the herrings were driven off by the effect of the "gurry," and the larger fish finding their food gone followed them to other localities. I was informed that during the last year or two they are returning to this once favorite haunt. If this be true, it is to be hoped that these illegal practices will not be resumed, and the utmost care should be taken to secure its prevention.

There was but one opinion expressed by all with whom I conversed on the subject of the spawning ground at the Southern Head of Grand Manan; all agreed that this was the great nursery of the Herring Fishery in the Bay, and upon its protection depended the very existence of fish of all kinds in the Bay. The herrings resorted to this place to spawn, and fish of other kinds are attracted by the abundance of food furnished by the young herrings.

I had an interview with Mr. Robert Stevens, the officer sent to protect the Southern Head, and he corroborated the information I had already received from other sources, that when he first entered upon that duty he met with all kinds of opposition from the poachers who frequented the place; his boats had been broken and sunk, and the house in which he boarded had been burnt to the ground in the attempt to drive him from his duty. He had found it impossible to induce any one residing near the place to board and lodge him, for fear of a like result, and he had been obliged to take up his residence at the northern part of the Island in the only house that would consent to accommodate him. From this place he went in an open boat, and the duty was an unpleasant and arduous one, necessitating great exposure and much hardship. He had two men as assistants, and by dint of great firmness and fearlessness in the performance of his duty to the best of his ability, he had been partially successful in the object of his mission, but he found it utterly impossible with the limited means at his command to do this as effectually as the interests of the fisheries required. In moderate weather only could he visit the place, and during the close season it requires constant attention. A comfortable vessel of suitable size, sufficiently manned, in which the officer and his men could live in all kinds of weather, and in which he could cruise about among the islands and fishing grounds, and enforce the

law respecting the *close time* at the Southern Head, and the regulations respecting the deposition of "Gurry," and the use of "set lines," is absolutely necessary to the effectual protection of these Fisheries. This vessel could also enforce the law respecting the encroachment of foreigners, and could be usefully employed in the Light-house service of the Bay, which at present involves considerable expense. It could also enforce any regulations which may be made respecting drifting for salmon outside Partridge Island and down the bay, which I consider it absolutely necessary to regulate in some manner. The encroachments of American fishing vessels on our coast and on our best fishing grounds, was a subject of loud complaint in all the places I visited; and the utter disregard of all the regulations of the Province manifested by them was the cause of great injury to the fishing grounds and of growing discontent among our fishermen. The employment of such a vessel as I have recommended is absolutely required to abate this evil. In Grand Manan, as well as in most other places that I visited, the South-west Branch of the Miramichi and the upper waters of the St. John especially, the Magistrates are too few and too far apart to enable the Wardens to act promptly. Before application can be made for a warrant to arrest offenders they are out of reach, or the evidence of their offence is removed. I think it would be advisable to give greater power to the Fishery Wardens to enable them to act in a more summary and effective manner. In most cases, perhaps in all, they should be invested with the authority of a Justice of the Peace. The Officer in charge of the vessel in particular should have this power, to enable him to act efficiently.

I am indebted to Mr. Stevens for the following statement, which he believes to be a close approximation to the quantity and value of the catch in Grand Manan this season:—

300,000 Boxes Smoked Herrings, @ \$0 25 per box.....	\$75,000 00
2,700 Barrels Pickled Herrings, @ 2 50 per barrel.....	6,875 00
35,000 Quintals Dry Fish..... @ 2 00 per quintal.....	70,000 00
130,000 Gallons Oil..... @ 50 per gallon.....	65,000 00
800 Tons Pumice..... @ 5 00 per ton.....	4,000 00

\$220,875 00

The produce of West Isles is generally reckoned at about three-fourths of that of Grand Manan, which will be... 165,657 00

If to this be added the take at Campobello, up to the 1st October, 1867, which is not more than two-thirds of the usual catch..... 58,441 00

The total will be..... \$444,973 00

Between La Tête and Point Lepreau there are numerous bays and inlets, of which L'Étang, Beaver and Lepreau Harbours are the principal. In all these fishing is pursued in connection with farming, most of the fishermen owning or occupying farms. Cod, pollack, hake and herring are caught in them all, hake being the most abundant, although in winter herrings enter some of them in vast numbers, and are taken in set nets. Cod are taken in the spring and autumn, pollack during the summer, hake from July till November, and herrings more or less all the year. The principal fishing station is at L'Étang Island, where there are a number of weirs.

From Lepreau to the Harbour of St. John, the coast is rugged and rocky, and the inhabitants few in number. There are a number of harbours and inlets, the principal of which are Dipper, Chance and Musquash Harbours. There are no regular fishing establishments, but the settlers combine fishing with farming. The principal market for the fish caught being the Harbour of St. John, to which they are generally brought fresh. Cod, haddock, and herrings are those principally caught. The fishermen from St. John fish all the way down the coast for cod and herring, and during the summer drift for salmon, of which they take vast numbers. The principal part of the fall shad are taken by drifting along this coast later in the season, when the fish are on their way to the feeding grounds at the head of the bay. This part of the coast, far above Lepreau, is also frequented by American fishermen, and the "bull-tow" or set line is used by them far inside the treaty limits.

The *Petitcodiac*.—From St. John I proceeded to Salisbury and inspected this river with a view of ascertaining whether any salmon yet frequented it. The lower part of the river is muddy, but above the flow of the tide the water is very clear, and flows swiftly over a rocky and gravelly bed, forming a succession of alternate quiet pools and dancing rapids. Formerly large numbers of salmon resorted to the head waters to spawn, and also ascended the Pollet River, one of its tributaries. I ascertained that for many years but few salmon have been seen in the river, and these have been pursued and killed with persistent zeal. The same destructive propensity which characterizes the dwellers on the Kennebecasis and Hammond Rivers seems to animate the people in this neighborhood. I saw several salmon that had been speared in the river, just below the residence of Alex. Wright, Esq., and that gentleman informed me that more or less are killed every season. There is a dam owned by Hugh Davidson, Esq., over the Pollet River, in which there is no fish-way. Salmon are yet taken below the dam, and as this stream is admirably adapted for breeding, and is very sparsely settled, the fish would have a fair chance to multiply if they could ascend above the dam. As this is the only river at the head of the bay now frequented by salmon, I think it well worthy of some vigorous effort to restore it, and to that end I would recommend that *all* fishing be prohibited for a number of years, and that to kill a salmon in any manner be deemed a penal offence. Nothing short of this extreme measure will save from utter extermination the few fish that still resort to this river, and all hope of restoring the only salmon stream in this section of the Province will be lost.

From Salisbury I proceeded to Dorchester and Hopewell to get some information respecting the valuable shad fisheries of the head of the Bay. The shad caught there are, perhaps, the fattest and best in the world. They appear to resort thither to feed upon a peculiar worm or slug very abundant in the extensive mud flats and banks that abound in the upper part of the Bay. That they do not go there to spawn, would appear from the fact that it is unusual to find any spawn in the shad caught there. They appear about the middle of June, and are taken till September; the latest fish are the largest, fattest and best. Many intelligent men there are of opinion that after depositing their spawn in the various rivers of our coast, they betake themselves to the mud flats to feed and recruit. Mr. Black, an old shad fisher who resides at Dorchester, informed me that when spring shad in St. John Harbour were plentiful, the catch in Dorchester Bay in autumn is always large. Mr. George Buck was also quite certain that the autumn shad of Dorchester Bay were fish that had spawned in the St. John, or some other river lower down the coast, and had come to the mud flats to feed and recruit. The fish first taken are not so fat as those taken later, and the longer they are on the flats the larger and fatter they become.

This fishery commences above Cape Enragé, and is pursued with more or less vigor from that point to Stony Creek on the *Petitcodiac* River, and to the extreme head of Cumberland Basin. From Stony Creek to Shepody River shad are principally taken by drifting with nets of 4½ to 5 inches mesh, by which means the largest sized fish are caught. Between these points there are not many weirs, although I saw quite a number in Shepody Bay. The shad taken in the weirs are generally of a smaller size than those taken in the nets, and such large numbers of very small ones are destroyed in the weirs that many intelligent men are of opinion that these should be abolished. The fishing season was over at the time of my visit, and all the weirs I saw were partially broken down, consequently I could not, by personal inspection, form an accurate opinion on this subject, but as I was informed that no provision is made in any of them for the release of small and worthless fish, it is a question for grave consideration whether they should not be prohibited and the shad-fishing confined to nets of a suitable sized mesh.

From the mouth of Memramcook River to Cape Maranguin, brush-weirs and stake-nets are the modes employed to take shad, as there is not good shelter on that side for the boats necessary in drifting. From Maranguin to the head of Cumberland Basin both stake and drift nets are employed on the New Brunswick side, and I was informed that on the Nova Scotia shore the whole of the extensive mud flats was covered with picket-nets.

There was no mode of getting any reliable statistics except by going round among the various fishermen and ascertaining the catch of each, and as my time was very limited and this would have occupied several days, I was reluctantly compelled to abandon the

attempt. I learned, however, that there had been no apparent falling off in the numbers of fish for many years. In 1850 the value of the shad caught and cured in the upper part of the Bay of Fundy was ascertained to be \$22,548, and this was believed to be under rather than over the actual value, as it did not include the desultory fishing, nor that below Cape Enragé. These figures would show that the fishery is of great importance and well worthy of preservation by judicious regulations. I regret much that the shortness of the time allowed me to complete the duty assigned, precluded the possibility of a more thorough enquiry by means of personal interviews with the principal fishermen, to ascertain whether the weirs and picket-nets are as destructive to the fish as some respectable persons alleged.

From Hopewell Cape I went to Upper Salmon River, which empties into Enragé Bay. This is a considerable stream, and as there is no obstruction at its mouth nor any on the river that salmon cannot surmount, it is still frequented by large numbers. They are netted and speared on the spawning grounds to a large extent, consequently are rapidly becoming less numerous. I was credibly informed that not fewer than 1,000 salmon were this season taken by nets and spears in the upper reaches of the river; if this is allowed to continue the stock must soon die out. There is every facility for netting at the mouth of the river, and the fish that succeed in getting into the stream should be allowed to spawn unmolested. Fishing above the bridge should be strictly prohibited, as the stream is small, and should be considered rather a nursery for fish than a place for catching them. If this were the case, the number taken at the mouth would soon far exceed all that are now taken in the whole course of the stream.

There is quite a large shad fishery at the mouth of this river by means of a brush weir, which is built by the settlers in the neighborhood as a joint concern. There are fourteen shares, and each share is entitled to a tide, which is taken in rotation, and each share gets from six to eight barrels of shad in the season.

I had an interview with John Alcorn, Esq., J.P., and Warden for the Parish of Alma, I found him an intelligent man, with very enlightened ideas on the subject of the fisheries. He had not received any instructions since his appointment to the office, consequently he did not feel in a position to act. As Mr. Alcorn resides very near Salmon River, and takes a real interest in its preservation, I anticipate the very best results from his appointment.

*Point Wolf River* was next visited. This is a considerable river, and formerly was the best salmon stream on this part of the coast, but a mill-dam, a short distance from its mouth, has rendered their ascent all but impossible. At highest tides, during a freshet a few fish may accomplish the leap, and the fact that they still ascend to the basin below the dam, is evidence that this has been the case. I called on Gideon Vernon, Esq., the owner of the mill, who was fortunately at the place, and conversed with him on the propriety of placing a fish-way in the dam. He admitted the necessity of this, and expressed his willingness to comply. As there is no difficulty in erecting a pass at a trifling cost, and without injury to the mill, it is to be hoped that next season will not pass without its being provided.

*Goose River* is some miles below Point Wolf. At its mouth there is a harbour into which small vessels can enter and lie in safety. Salmon used to ascend this river, but cannot now pass a dam owned by Allan Otty, Esq. They still frequent the basin, and a fish-way, which could very easily be put in, would enable them to ascend and re-stock the river. There is another considerable stream emptying into the basin, which is also barred by a dam. If a fish-way were supplied here, there is no doubt that salmon would still ascend.

*Goose Creek*, a few miles below, has a dam without a fish-way, and from all I could learn the stream is totally deserted. The mill is owned by the Messrs. Prescott, and the want of a pass has, I fear, effectually depopulated this stream, although salmon formerly ascended it in large numbers.

*Little Salmon River* is a considerable stream. There is a dam over this river near its mouth which bars the passage of salmon that formerly ascended it. This stream is also deserted, no salmon having been seen for some years.

*Long Beach*, between Little and Great Salmon Rivers, is a long gravel bar which runs out into the bay and is bare at low tide. Within the bar herrings are sometimes abundant, and there is good line fishing some distance from the shore, but neither fishery is pursued to any extent, although there is no doubt a remunerative business might be done if properly followed.

*Great Salmon River*, some miles above Quaco, is a large stream running swiftly between precipitous banks which rise to a great height. At the mouth there is a dam on which are two large mills, and another some distance above. Both are without fishways, consequently this river, which took its name from the abundance of salmon that frequented it, is, I fear, nearly depopulated. Some fish still ascend to the dam, and if an immediate passage is provided the river may be saved from total destruction. There is every facility for the erection of sufficient passes without injury to the mills, and their immediate provision is the only hope of the river; another season may be too late. The mills are owned by William Davidson, Esq., of St. John.

At *Quaco* fishing is not pursued to any great extent, although off the Heads cod, pollack and haddock are plentiful and would be remunerative. Herrings are taken in shore in nets and weirs, but not much attention is paid to fishing by the inhabitants; and the want of shelter from severe gales prevents fishing vessels from frequenting the roadstead. The want of a breakwater during south-easterly gales is much felt, and its erection would render this a safe and welcome harbour of refuge for all vessels navigating the upper part of the bay. If ever this is erected I have no doubt that fishing establishments will spring up. There can be no question they would prove remunerative, as cod, pollack, haddock, halibut, herrings and lobsters are abundant all along the shore from Quaco to Cape Spencer.

*Teignmouth*, commonly called Ten Mile Creek, is a considerable stream. The entrance to the harbour is very narrow, and although there are from 16 to 18 feet of water at high tide, at low water the harbour is dry. There are two dams over this stream, one about a mile from the mouth, the second about a mile and a half. Salmon sometimes get over the first dam, but the second forbids their further ascent. They still ascend to the first dam, and would soon re-stock the stream, if a passage were provided in the dams. The mills are owned by J. F. Parker, Esq.

*Gardner's Creek*, some distance below Teignmouth, is a small stream, but one very prolific of salmon. As usual a dam without a pass now prevents their ascent to their old spawning places, and unless it be speedily provided, the salmon in this stream will become extinct. Herrings, cod and haddock are taken near the mouth, the latter being very numerous during summer. Mackerel are sometimes taken in the herring nets, and lobsters abound in vast numbers.

*Emerson's Creek* is but a short distance below the above, and the same description applies to it, not omitting the invariable dam without a fish-way.

*Black River* is a considerable stream, some miles above Cape Spencer. It was formerly a fine salmon stream, but is now entirely deserted, the cause being the want of a fish-way in the dam, lately owned by the firm of Power & Hawkes, near its mouth. The lumber on this stream has been almost exhausted, and in a few years this mill will be idle for want of logs. Had there been a fish-way in the dam, as there should have been at its first erection, the progeny of the salmon that are now extinct would have been a source of wealth for all time to come, and the property of every man in its whole length would have been more valuable in consequence. It is matter of regret that the selfishness of one or two individuals has been permitted to affect the interests of so many, and it is still more to be regretted that the same cause, which is fast producing the same result, is permitted to exist in so many other instances as this Report has pointed out.

*Mispeck River*, which drains Loch Lomond and the lakes connected with that large body of water, is the first considerable stream that flows into the Bay of Fundy to the eastward of St. John. It empties into Port Simonds, a short distance below Cape Spencer.

This stream is admirably adapted to the habits and instincts of the salmon, which, previous to the erection of the dam at its mouth, spawned in the whole course of the stream, and even ascended into the lake, and made its way up several small streams which flow into it. Thomas Trafton, Esq., of St. John, an intelligent gentleman, who has ever taken much interest in the Fisheries, was the contractor for the erection of this dam, and he remembers when salmon were as plentiful in this stream as flies in summer. Now there is not one from its source to its mouth, nor have any, for several years, been seen below the dam. In 1851, when Mr. Perley made his Report, he stated that "some few salmon are yet caught in the port." These have since disappeared, and the last remnant is extinct. Had a pass been provided in that year, and a fair proportion of fish been allowed to propagate unmolested, the river would now be as populous as Mr. Trafton describes it to have been in his youth, and all these years since, it would have afforded a vast number of valuable fish, which it would continue to do for all time to come. Like Black River this stream is now almost destitute of timber and its supply of logs will soon fail. As a mere nursery of fish, this stream would have been worth more to the Province, during the years it has been closed by the dam, than the mill and all the deals it has ever produced, to say nothing of what it would produce in all future time. It is a matter of great regret that our Province has been so blind to the value of its magnificent fisheries. This stream is well worth restocking by artificial means, and the sportsmen of St. John are ready to do it at their own proper cost, if Government will enforce the law for its protection afterwards. As an experiment, I would respectfully suggest that the sole right of angling in this stream be granted to the man who will restock it. It is now tenantless—as no one can now catch a salmon in it, no wrong can be done any one by granting such privilege, while the river will be a capital nursery. The few fish that can be taken with rod and line, will not sensibly affect the numbers it will produce, and the public will derive all the benefit of a highly interesting process, and when the stream is restored it will furnish spawn and milt to restock other streams which will soon require to be restored by this means. The Governments of Maine, New Hampshire, Vermont Massachusetts and Connecticut are now engaged in restocking the rivers of those States, and as a preliminary measure, have passed laws for opening the dams on the Merrimack and Connecticut Rivers by having fish-ways placed in them, and also in the dams across all rivers which were once frequented by salmon, trout, shad, bass and gaspereau. Fishways are already erected on the Merrimack, and many thousands of salmon ova obtained from our own much-abused Miramichi, have been placed in its upper waters, and I most respectfully commend the suggestion respecting the restocking of the Mispeck to your serious consideration.

As the time to which I was limited had now expired, I did not visit the Nova Scotia Shore of the Bay of Fundy, where there are extensive and valuable fisheries, upon the present state of which it is very desirable that reliable information be obtained.

I much regret the paucity of statistical information this Report presents, and in explanation would beg to state that I found it utterly impossible on the rivers to arrive at any reliable result without waiting on every fisherman and getting his catch. At the head of the Bay the fishermen are scattered over a large district, and to get any reliable data it would have been necessary to wait on each individual, and this I had not sufficient time to do. At West Isles my stay was very limited in consequence of the necessity of meeting the Packet for Grand Manan, which makes but one trip weekly.

#### SUMMARY, SUGGESTIONS AND GENERAL REMARKS.

1. From the foregoing Report, which is the result of personal inspection of every locality described, it will be seen to what an extent our Fisheries of all kinds have been neglected, and how necessary, it is that our rivers and streams which are the nurseries of the most valuable species of fish, should be opened to their ascent, and sufficiently protected to allow them to perform the functions upon which not only their increase but their very existence depends. At present I am not aware that a single dam in the Province, except one at the mouth of the Little River in Bathurst, owned by Honorable John Ferguson, is provided with a sufficient fish-pass, although the law requires that there shall be one in every dam where fish formerly ascended. As this is a matter of vital importance, involving the continuation of the species, I would respectfully suggest that an advertisement be immediately published in the *Royal Gazette*, and in one newspaper of every County of the

Province in which a newspaper is printed, calling upon every proprietor of a dam across any stream up which migratory fish formerly ascended, to have placed a sufficient fish-pass in such dam previous to the 1st of May next ensuing, under the extreme penalty imposed by law, and giving notice that after the above date the extreme penalty will be inflicted for throwing slabs, edgings, saw-dust, or other mill-rubbish into any river or stream resorted to by migratory fish.

2. The mode that has hitherto obtained of appointing Fishery Wardens and Overseers of the Fisheries has been so loose and careless that in most instances those officers have been quite useless. Their appointment has been published in the *Royal Gazette*, and months have sometimes passed before they have received any instructions. They are never sworn to the faithful performance of their duties, and in most instances they are not only ignorant of these duties but also of the intent and meaning of the law under which they are expected to act. In but two instances in the whole course of my tour of inspection did I find Wardens in possession of a Copy of the Law. As upon the Wardens depends, in a great measure, the protection of all streams to which fish resort to spawn, the selection of proper persons, their formal appointment and swearing in, and their sufficient instruction in the duties devolving upon them, are matters of the highest importance. At present they are wholly irresponsible persons, at liberty to do their duty or not at their own option, there is no one to call them to account for neglect of duty, in most cases a variety of local causes prevail to make them wink at open violations of the law, and at present scarce any of them act until complaints are made to them. As the depredators have all a mutual interest, they are not apt to complain of one of their order, consequently the few complaints that are made generally spring from personal motives, private quarrels and petty jealousy; these, however, are the exception. Those Wardens who, alive to the importance of their functions, are sincerely anxious to enforce the law, find their hands tied by want of sufficient authority to act summarily. They have no power independent of the Magistrate; they cannot arrest an offender without summons issued by a Magistrate, and in many places they must go miles before they can reach one. Offenders are thus enabled to escape by the delay, and in many instances the Warden is subjected to much useless labour and sometimes to much personal expense. If the Wardens were invested with enlarged powers to enable them to act in a more summary manner, as is the case in Canada, they could enforce the law more effectually. In Canada they are, *ex-officio*, Justices of the Peace, and the system is found to work admirably.

3. The extent to which fishing is pursued in the Harbour of St. John and outside Partridge Island, and the persistent violation of the Fishery Laws, whether Civic or Provincial, is a matter deserving serious consideration. The fisheries dependent upon the River St. John are of such vast importance that too much care cannot be bestowed upon their protection. There can be no doubt that of late years these are visibly falling off, and in the opinion of old fishermen who can see the change that has occurred within their own recollection, they are decreasing at a rapid and rapidly accelerating rate. A rigid inquiry into this matter is loudly called for. Although drifting is very properly prohibited in the harbours and rivers of the Province, because, in consequence of the great number of nets set from the shores, the fish could not possibly ascend if both shores and channels were closed by nets, still, from the peculiarities of the Harbour of St. John, in which, during freshets in the river, the fish are confined, by their inability to ascend past Split Rock, and in consequence play about the harbour until the water has fallen, I do not think it would be advisable to prohibit the practice entirely, as the effect of such prohibition would be to enable the weirs to take the greatest portion of them to the great injury of the poor fishermen who cannot buy a lot and erect a weir. Therefore, I am not prepared to advise the total prohibition of drifting, but I think it should cease on the fifth day of June for alewives or gaspereau, and on the fifteenth day of August for shad and salmon. On the river above the Falls no shad, salmon or bass should be taken or fished for in any manner after that date. The custom has prevailed so long that, whether legal or illegal, it has become as it were a right, and any radical change would no doubt be a cause of great dissatisfaction and hardship among a large class of poor and industrious men, whose livelihood depends upon this mode of fishing. When conducted within the limits above stated I do not think it would be injurious to the fisheries, as a sufficient number of



fish could ascend to their spawning grounds to keep up the stock, if the *weekly close time* is strictly enforced. This *weekly close time*, not only on the river and in the harbour but everywhere in the Bay outside, should be rigidly enforced, and all drifting (if drifting be allowed at all) should cease from Saturday at sundown till Monday at sunrise, and *all* set nets and weirs should be left open during that time so that a sufficient number of fish can ascend the river to maintain the species. This *close time* has been found to be of the greatest importance in England, Scotland and Ireland, and its rigid observance has done more to protect the fisheries of these countries than any other measure the Commissioners have recommended. In this connection I would respectfully suggest that some regulations be enforced regarding the drifting outside the harbour and down the bay. If the present over-fishing in the harbour is curtailed the fishermen will naturally extend their operations outside, and the evil will only be removed from one locality to another. I would therefore respectfully recommend that drifting be prohibited within two miles of the shore, from the Beacon to Point Lepreau.

4. In most all the lakes and streams of the Province great damage has been done by sweeping them with nets for speckled trout, and taking these in all modes and at all seasons. Many of the best streams and lakes are now almost deprived of this fish, and the evil is increasing to a great extent. I would respectfully suggest that the Canadian Law, both as to the mode and time of catching trout, be made applicable to this Province.

5. In view of the defective operation of Section 18 of the Fishery Act of this Province, and Section 5 of the General Regulations for the same, I would respectfully suggest that they be amended in such mode as to secure the object intended, viz. that the taking of salmon, whether by accident or design, shall cease at the time fixed by law, to which end no net, either killock or picket net, must be allowed to remain set during the weekly close time, or after the legal time for catching salmon has expired, and that nothing shall be done to practically diminish the size of the mesh below five inches in extension, to which end a penalty must be attached to its infraction; in order to facilitate this all nets should be legally marked with the owner's name under pain of forfeiture.

6. The protection of the Fisheries being an object of such importance and the cost of effectually doing it being very considerable, it is a matter of some moment to inquire whence the funds are to be derived for this purpose. At present the persons who derive the immediate benefit of the River Fisheries expect the public to pay for their preservation. Those who enjoy the direct benefits of the Fisheries should contribute to their protection. There can be no doubt as to the fairness of the principle that those who are benefited by the protection should defray the cost incurred. While it is admitted that the public at large are interested in the protection of any article of food or commerce, and that they should contribute to that object, still, those who to the greatest extent and in the most direct manner derive the largest amount of benefit, should not expect to escape their fair share of the burthen. The assessment principle in England, Scotland and Ireland, of a rate upon the occupants of the fisheries, and a tax upon all apparatus used in the capture of salmon, is found to work well and to give general satisfaction. I would respectfully suggest, in order to raise a fund to be applied exclusively to the protection of the River Fisheries, in addition to any grant or provision that Government may make for this purpose, that a tax of \$10 annually be levied upon all salmon weirs or other engines legally employed in their capture. All with whom I conversed upon this subject admitted the fairness of the principle, and expressed their readiness to pay a tax if the rivers could thereby be protected.

7. It is highly desirable that the once valuable Fisheries of the River St. Croix should be restored and protected, and in order to do this it is necessary that uniform regulations should be made by the State of Maine and the Government of the Dominion. I would respectfully suggest that measures be taken to secure such uniformity in the regulations that may be adopted for the restoration and protection of that river.

8. In view of the great importance of protecting the spawning ground at the southern head of Grand Manan, and in any other localities that may be discovered in the neighborhood, and of enforcing the regulations that exist or may be made respecting the deposition

of "Gurry," and of preventing the encroachments of foreign fishing vessels upon the best grounds in our waters, I would respectfully suggest that a suitable vessel, properly manned and equipped, be placed at the command of the Officer appointed for that purpose; and, that in addition to the performance of that important duty at Grand Manan, said Officer shall be required to supervise and protect the Fisheries in the whole of the Bay of Fundy, giving particular attention to the enforcement of any rules that may be made for the regulation of drifting outside of Partridge Island. It might be part of his duty also to see that navigation is not obstructed by weirs being built in such places as their presence would be likely to have that effect. This vessel could also be employed in Light-house Service of the Bay, by which considerable expense would be saved in the Marine Department.

9. The Shad Fishery at the Head of the Bay is of the greatest importance. As this is the only valuable fish that frequents these waters in numbers sufficient to make their pursuit an object, the regulation and protection of this fishery deserves careful attention. The difference of opinion between the net and weir fishers is so great, and the assertions of each are so conflicting, that, with my present information, I am unable to arrive at a satisfactory conclusion. Actual observation alone could justify me in giving a decided opinion, and this I could not bestow as the fishery season was over at the time of my visit to the principal localities. A full investigation of the matter next season, when the fisheries are in operation, is very desirable in order to enable me to form a reliable opinion, and recommend such measures as are best calculated to protect and perpetuate this source of Provincial wealth.

10. As the protection of the extreme upper waters of the Miramichi is of great importance in order to prevent the speedy depopulation of that river, with a view to put an immediate stop to the netting and spearing practised by parties from the St. John River, I would respectfully recommend that Mr. Hugh Miller, of Glassville, be appointed Warden for the district extending from Lewy's Falls to the head waters of the North and South Forks, and that he be clothed, *ex-officio*, with the power and authority of a Magistrate, with instructions to inflict the extreme penalty imposed by Section 2 of the General Regulations, on all parties who may render themselves liable by persisting in pursuing their illegal practices.

11. In view of the abuses which prevail on all the rivers of the Province, and the limited number of fish that succeed in depositing their ova unmolested, I would respectfully recommend that no permission be granted to any person to take spawn, or milt, or breeding fish from any of them for some years, or until such time as they can afford to supply them without serious injury to the rivers. While the propagation of a valuable species of fish is worthy of all encouragement, as it is the direct production of wealth, still the Rivers of this Province cannot at present afford the supply of spawn and milt necessary for restoring a river. There are many streams in Lower Canada which can supply spawn and milt to a large extent without being injured, and I would respectfully suggest that applicants be sent to these rivers in preference to the rivers of this Province. I would, however, suggest that an exception be made in favor of any person who will offer to restock *Mispeck* River at his own expense, and in such case would recommend that he be allowed to procure the requisite quantity of impregnated eggs from the Upper Salmon River which flows into Enrage Bay, commonly called Salisbury Cove; and that such person be restricted to eight (8) female fish and five (5) male fish, and that these shall not be taken by the spear, or in any other manner that will destroy the fish so taken.

12. In view of the great destruction done on the spawning flats in Grand Lake, Maquapit Lake, French Lake, Ocnabog Lake and the other lakes connected with them, I would respectfully recommend that an additional section be added to the General Regulations, making it illegal to fish for gaspereau in these lakes after the 20th day of May.

13. With regard to the weirs on Grand Manan, and their effect on the Fisheries there and in the neighbourhood of that island, I would speak with some degree of hesitation. The opinions expressed by those with whom I conversed were contradictory, and in most cases were so evidently dictated by interest that I was thrown back upon my own judgment

and I had to rely upon my own opinion. Notwithstanding all I heard to the contrary, I am clearly convinced that the weirs do great damage to the Fisheries generally by taking vast quantities of small fish, wholly useless for any purpose except to produce oil, and of this the very small ones must yield an inconsiderable quantity, wholly incommensurate in value with the vast destruction of fish, which, if allowed to mature, would be of greatly increased value, and would be almost certain to be taken at a subsequent season. As things are now conducted it is clear that the spawning grounds are protected almost solely for the benefit of the weirs, as these take them in the largest quantities and of all sizes, down to two and three inches in length. It may be true, that as now conducted, since the introduction of the oil pressing business, the weirs are more profitable than they were when they had to open their gates and allow the small fish to pass out; but this must evidently be at the expense of the general interests of the fisheries, because as the supply of food diminishes, so will the line fish, that are attracted by the vast shoals of young herrings. Now, the real question would seem to be—are the spawning grounds sufficiently prolific to keep up the supply in spite of the weirs, so that the line fish may not desert the locality for want of food? If not, then the weirs must do damage by destroying such vast quantities of small ones. There can be no doubt, that the continued drain, year after year, must diminish the supply, and it is simply a question of time, how long the contest between the powers of the fish to multiply, and the capacity of the weirs to take them, can be continued. The question is not a complicated one, but to arrive at a fair decision and suggest a remedy that will protect the fisheries, without needlessly interfering with private enterprise, requires more information than I could acquire in the short visit I was compelled to make. The matter is one of importance, and deserves careful consideration, as the protection of the fisheries is closely connected with it.

14. With regard to the applicability of the Fishery Act of Canada to this Province, I am strongly of opinion that it would be admirably adapted to the protection of our fisheries; but it would work a radical change in several matters and practices which have long been the custom in New Brunswick. Its adoption would very materially curtail the time of legal fishing—in the case of salmon, to an extent that would virtually prevent their capture at the time when they are most abundant. Salmon seldom enter our streams earlier than the first of June, generally not earlier than the tenth or fifteenth. During the month of July, after the 31st of which, taking salmon is prohibited by the Canadian Act, the great run of salmon enter the Harbour of St. John, and the adoption of the Canadian Act would seriously curtail the catch in the upper parts of the river. The Canadian Act also confines the use of nets and other apparatus for taking salmon to the tidal waters and there can be no doubt of the wisdom of this, if the protection of the fish is considered of more importance than their capture after they have become deteriorated in quality, as they invariably do after a short residence in fresh water. A great change takes place in their condition consequent upon their preparation for the great function of procreation, and although they are not unfit for food until after this act has taken place, still they are so much inferior, as an article of food, that their value is much lessened.

But the custom of using picket-nets on all the rivers of the Province has prevailed ever since its settlement, and has become so rooted that its abolition will be considered a great hardship by those who will be affected by its prohibition; still, as the protection of this fishery is of the utmost importance, it is worthy of grave consideration whether this measure is not absolutely necessary to the very existence of these fisheries in the harbours and tidal waters. My own opinion, based upon long observation and a knowledge of the great decrease in the numbers of fish that now succeed in reaching their spawning grounds, and the limited number that are allowed to deposit their ova unmolested, is that this measure, if not now absolutely necessary, will assuredly become so in a very few years, and this opinion is shared by all who are acquainted with the facts upon which it is based. The rivers of the New England States have become depopulated by practices which all sensible men deplore, and we should take measures in time to prevent a similar result in our waters which, fortunately, are yet frequented by salmon, trout, shad, bass and gaspereau. When it is considered that the fish taken high up in the streams and rivers are very inferior to those caught in the tidal waters, and of much less value as food, and that they are about to perform the functions upon which the species depends, the question will resolve itself

into this,—Which is most preferable, that the inhabitants on the upper waters of our rivers should forego a custom which has come to be considered a right, or that the Province shall be deprived of the vast wealth that arises from our fisheries? In the event of my opinion being shared by yourself, and if, after mature consideration, it be deemed advisable to make the Canadian Act applicable to the other parts of the Dominion, there are one or two points in which special provision will have to be made to fit that law to these Provinces, but in its main features, the terseness of its sections, the simplicity of its verbiage, and the clear and perspicuous language in which its provisions are couched, making it almost impossible to evade them, I consider it admirably adapted to secure the object of its enactment—the *effective Protection of the Fisheries*.

25. In view of the general want of information that prevails regarding the state of our rivers and streams, and the laxity with which the laws, supposed to be necessary for their protection have been enforced, and in order to show the great necessity which exists for immediate and vigorous action, I would respectfully suggest that this Report, meagre and defective as it is, be printed, and 1,000 copies circulated in this Province. This would I venture to hope, call attention to the matter, and secure the co-operation of the public in any measures that may be devised for the effective protection of what all are interested in.

16. In conclusion, I would respectfully impress upon your attention the vast importance of our fisheries, and the absolute necessity of their protection. The lumber of the Province, which has hitherto been our great staple, is fast decreasing, and its exhaustion is only a question of time. When this period arrives, the fisheries will be our principal resource, and fortunately the propagative powers of fish are so great that their increase, if properly preserved, is bounded only by their supply of food, and here Providence has been peculiarly beneficent—the supply of food is so vast in the depths of the ocean that there can be no fear of a scarcity. Fish are absolute wealth. They have an intrinsic value the moment they are lifted from the water, and yet their production and growth have cost man neither time nor labour. No other article of commerce is produced without the expenditure of both. The Bay of Fundy, south of our Province, and the Gulf of St. Lawrence, east of it, produce this wealth to an extent and in a variety surpassed by no other waters in the world. If our people have not hitherto availed themselves of their great advantages, it is only because their limited capital has been employed in the other great staple, lumber. This has ever been, and will always be, fluctuating and uncertain, and must eventually be exhausted. How important, then, is it to protect our other great staple, which will then be our only one. If protected it will exist for all time, or at least until some great operation of nature changes the features of our coasts. This Report, though only a partial one will serve to show the condition of some of the most important of our fisheries, and the need that exists to use immediate and vigorous measures for their preservation, and I most earnestly commend the whole subject to your serious attention.

All which is respectfully submitted.

ST. JOHN, NEW BRUNSWICK,  
28th October, 1867.

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NOTE.—Since the first sheet of this report was in type, I have had an interview with Alex. Gibson, Esq., the enterprising owner of the mills on the Nashwaak River. Mr. G. stated that his reason for not placing a fish-way in the dam was a conviction that fish had deserted the river long before he became proprietor of the premises. On being informed that there is a strong probability of the river being re-stocked, if a passage is made, he expressed not only his willingness to provide a pass, but his earnest wish to lend all the assistance in his power to bring about so desirable a result.

## APPENDIX A.

OTTAWA, 7th December, 1867.

To the Minister of Marine and Fisheries.

SIR,—While engaged in the duty assigned me in New Brunswick, I was repeatedly urged to call attention to the mode in which the Inspection Law in New Brunswick was carried out; but considering it foreign to the letter of my instructions I did not think it right to allude to the matter in my general report.

My attention has been called to the Inspection Law of Nova Scotia, which has lapsed, and recalling the numerous applications made to me during my official tour, I immediately called Mr. Whitcher's attention to the absence of anything of that nature in the Canadian Law. To my great satisfaction he submitted to my inspection a Bill, prepared by himself, to meet the same difficulties in Canada. After a most careful examination, I cannot refrain from again expressing my admiration of the thorough practical knowledge displayed by that officer, of all matters connected with the Department of the Fisheries. I have already expressed to you the high opinion I entertain of the general provisions of the Canadian Fishery Law, and I have no hesitation in saying that it will be very difficult indeed to improve upon it as a general law for the Dominion, after the introduction of the words necessary to fit the various clauses to the new order of things, and to the different latitude of our rivers. This inspection law I find to be just as comprehensive, and shows a most intimate acquaintance with the evils it is designed to remove.

Mature consideration has convinced me that this subject forms a legitimate branch of the Fishery Department, and ought to be under its control. I have considered how this can be done without exciting any jealousy that might arise among those who contend for the freedom of trade, and I find that Mr. Whitcher's admirable foresight has anticipated this. Being a matter affecting trade, and as those engaged in commerce are admittedly the best judges of fitness and qualifications, the Bill proposes to leave to the local Boards of Trade the examination of the chief officers, which will be a check upon inefficient appointments, without the special and necessary trade qualifications. Allow me to call your attention to the matter, and to ask your examination of Mr. Whitcher's Bill. A moment's consideration will show you its important bearing, and the mode I have suggested will concentrate the authority of the Department, and keep down the number of paid officials, which of course is an object of great importance.

With all submission I lay the following remarks on the subject before you, begging your consideration of the whole matter, and hoping that my views, according as they do with the more mature experience of Mr. Whitcher, will meet your approbation:—

Next in importance to the Protection of the Coast, Harbour and River Fisheries of the Dominion, is the character and quality of the fish exported. At present so little attention is paid to the proper curing and packing of the several kinds of fish, that their commercial value is greatly lessened. The fish caught on our coasts and in our harbours and rivers are surpassed by none in the world as an article of food, but in consequence of carelessness in curing them, and of fraud in putting them up and branding them for exportation, both in New Brunswick and Nova Scotia their high character has suffered, and their former reputation has been lowered.

In New Brunswick there is an Inspection Law, but its wholesome provisions are not enforced. The Inspectors of Pickled Fish, and the Cullers of Dry Fish, are very remiss in the strict performance of their duties. They are responsible to no one, and many complaints are constantly made that fish, wholly unfit for food, receive the Inspector's brand. There was formerly an Inspection Law in Nova Scotia, but mistaken ideas of economy have allowed it to lapse. At the last Session of the Legislature of that Province, a Petition, numerously signed by the leading merchants, for a return to the system of official inspection was rejected.

In consequence of these facts the character of our exported fish has greatly suffered, and it is much to be desired that steps should be taken to secure a proper inspection in both Provinces, and thus restore the high character to which our fish are justly entitled. This measure could not fail to be attended by the best results, and would foster and

stimulate the fisheries, by securing their products a ready sale at a higher price than they now command in the principal foreign markets.

The importance of this inspection will be seen from the Appendix to the Report of the British Commissioners, in which a number of memorials from leading continental merchants will be found, insisting on the continuance of the official brands upon Scotch herrings. Mr. Alexander Miller, of Leith, in a letter to Geo. Traill, Esq., M.P., remarks; "I consider that the abolition of the Fishery Boards, and of the official brands, would be a great calamity to Scotland, and I trust you will be able to find means of averting such a blow."

I would respectfully suggest that in order to remedy this serious defect in the present loose mode of inspection, a part of the duty of the Provincial Inspector of Fisheries should consist in the supervision of all Inspectors of Pickled Fish and Cullers of Dried Fish; that they should be made responsible to the Fishery Department, through him, for the faithful performance of their duties; and that any complaints made against them should be immediately and thoroughly investigated, and a report, including the complaint made, and the result of the investigation, transmitted to the Minister of Marine and Fisheries for action thereon.

By this means I am of opinion that a fruitful source of complaint will be removed, to the great advantage of the fishing interests of these Provinces. I believe such a law exists in Canada, and I am convinced that its enforcement in New Brunswick and Nova Scotia will lead to the best results.

I also think that the local overseers, in districts where Inspectors of pickled, smoked, or dried fish were required, might combine the duties of both overseer and inspector with advantage as they would, in most cases, be on the spot, would have some knowledge of the mode in which the fish to be inspected were cured, and would be in a position to judge of their quality, without the necessity, in every case, of repacking. This, I think, would secure a much-desired object in an economical manner, and without unnecessarily increasing the number of paid officials in connection with the Department.

That a rigid inspection must be secured in some manner, I am convinced, not only from my own observation, but from the numerous requisitions that have been made to me by men largely engaged in the trade, to call attention to the matter in my report.

The inspection of fish oils might also, with advantage, be included in any law that may be made on this subject. I would respectfully call your attention to the excellent Bill prepared by Mr. Whitcher, and read in the Canadian Parliament, on the 27th May, 1864, which I humbly think contains all that is needed on the subject, and which is just as applicable to the Lower Provinces as to Canada. This might be made the basis of a general law, applicable to the whole Dominion,—as a general law is very desirable.

## APPENDIX B.

To the Honorable P. MITCHELL,  
Minister of Marine and Fisheries, Ottawa.

SIR,—To shew you the great importance attached by the English Government to the preservation and management of the Fisheries of Great Britain, which certainly are inferior in importance to those of the Dominion, I may be excused for calling your attention to the following extracts from the Civil Service Estimates of Great Britain for the current year. I may remark that men of the first social standing, and of first class abilities do not consider the subject beneath their care. Dr. BUCKLAND has accepted the appointment of Joint Fishery Inspector for England and Wales, in the place of Mr. EDEN, whose impaired health forbade further labour in the field of his arduous official duties. Mr. SPENCER WALPOLE, son of the present Home Secretary, has accepted the place of Inspector lately rendered vacant by the death of Mr. W. J. FENNEL, whose attention to the duties of his office impaired his health, and hastened his death. A salary of \$4,374 per annum, with about \$600 more for travelling expenses, makes the situation attractive even to the son of a Cabinet Minister.

The estimates above referred to embrace the large sum of \$112,717 to support the Fisheries Department. The following is a list of the officers, with the scale of salaries:—

England: Two Inspectors at \$1,374 each; Secretary to ditto, \$1,944; travelling expenses, \$1,458; incidental expenses, \$364; First Commissioner, \$2,430; Second ditto, \$1,701; Third ditto (in addition to salary as a Commissioner for Ireland) \$1,701; Secretary to ditto, \$486; travelling expenses, \$3,888; incidental expenses, \$1,215.

Ireland: Two Commissioners at \$3,402, \$1,701 respectively; Secretary to ditto, \$2,430; Clerk to ditto, \$486; Messenger to ditto, \$252; travelling expenses, \$2,430; incidental expenses, \$1,215.

The Scotch estimates provide \$2,546 for the Secretary, \$1,215 for the General Inspector, and salaries varying from \$486 to \$874 per annum to twenty-six Inspecting Officers, with miscellaneous expenses amounting to \$26,730 for the year.

There is also a separate Commission to investigate the pollution of rivers. It consists of a chief, at a salary of \$4,860, and two aids at \$3,888 each, with travelling expenses to the tune of \$6,804. Their total funds for the year amount to \$37,737.

In addition to these public expenditures, there are various private associations which expend some \$20,000 yearly; and as much more is raised from license fees and other sources towards protecting fish in the rivers of the United Kingdom.

The "Thames Angling Preservation Society" alone spends thousands of dollars in persevering endeavours to coax back into Father Thames the fishy natives which once inhabited his dirty waters. This plucky society has spent in piscicultural experiments and other similar ventures since 1862, a fabulous amount. Not less than 250,000 of the fry of fishes of different kinds have been placed in the obdurate old stream. Whether any of these frisky youngsters have ever returned in their adolescent or adult fishhood to delight the palates of their mundane propagators, does not appear. We hear nothing of them at the pleasant luncheons which liberal members of this association so regularly enjoy at the Red Lion Hotel.

The figures referred to are interesting. They contrast notably with the modest sums which foot up our Legislative grants to protect and develop the fisheries. Salaries of four or five thousand dollars downwards, make us ashamed almost to think that in Canada we too have toilsome men, with scant assistance, wearing themselves out at rates of pay three fourths less than joint Inspectors and duplicate Commissioners receive in Britain, with a host of efficient aids and voluntary auxiliaries to lighten their task, while in the Maritime Provinces \$400 a year is the maximum salary allowed to Fishery Officers. There can be no doubt of their great importance, nor of the necessity that exists for an immediate and vigorous superintendence of all relating to them. In the new Confederation it is to be hoped the fisheries will receive an increased share of Legislative and Executive attention.

To show you the interest taken in the subject by the British Government, I will call your attention to the following List of Parliamentary Inquiries into the subject of the Salmon Fishery alone. These reports, extending over a period of only 37 years, have cost not less than £50,000 stg. They have engaged the attention of men of intelligence and experience, and to their labours may be attributed the present improved and flourishing state of this branch of the Fisheries of Great Britain. The same causes will produce equally good effects in the Dominion, and fortunately with us the evils complained of have not yet brought our rivers to the same low state in which those of Scotland and Ireland were when the Commission of Inquiry was issued. Judicious legislation and vigorous enforcement of the regulations that may be adopted will prevent, in the Dominion, the state of things which is fast approaching, and which the British Commissioners so much deplored:—

Report on Salmon Fisheries of the United Kingdom, printed 30th March, 1825.

Second Report on the same, printed 3rd June, 1825.

Report on Salmon Fisheries of Scotland, printed 30th June, 1836.

Report on Salmon Fisheries of Ireland, printed 1836.

Report of Select Committee, Salmon Fisheries of Scotland, House of Lords, printed 1842.

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Report of Select Committee on Irish Salmon Fisheries, printed 1849.

Report of Committee on Tweed Salmon Fisheries, 1857; Act passed, fixed engines abolished.

Report of Committee on Tweed Salmon Fisheries, 1859, abolition confirmed.

Report of Committee on Ness and Beaulieu Salmon Fisheries 1860.

Report of Select Committee, House of Lords, printed 1860.

Report of Commissioners of Salmon Fisheries, England and Wales, printed, 1861.

Report of Committee on Salmon Fisheries, Ireland, 1862.

From the above you will observe the uniformity with which the Protection of the Fisheries was recommended, and their suggestions adopted. To this judicious legislation may be attributed the great improvement which has followed in every river, without exception, in which the law was enforced. The increased number of fish taken and the increased value of the rented fisheries proves that the harbours and rivers may be likened to farms, the better they are cultivated the more profitable are the crops, while the more they are neglected, fences allowed to fall down, and all kinds of encroachments upon their fields permitted, the sooner they go to ruin. Just so is it with these great and valuable farms comprised in our harbours and rivers, cultivate (protect) them and they will yield a rich harvest; neglect them, suffer poachers to violate all rules for their protection, allow mill dams to impede the passage of the fish, and spearers to exterminate the farm stock on the spawning grounds, and the farms must speedily be unremunerative and, ere long, irretrievably destroyed.

The great marine and fluvial farms possess signal advantages over those on land. The former require no laborious preparation of the soil, no planting of seed, and anxious care of the growing crop. They require nothing but harvesting—the crop is planted, reared and matured by the hand of bounteous Nature; all she requires is the undisturbed fulfilment of her beneficent functions; unmolested in these, she plants, rears and feeds countless millions of fish which have an intrinsic value the moment they are captured. We have these farms to an extent and of a quality unsurpassed in the world,—they have not yet been properly cultivated, but every description of inventive ingenuity has been employed to devastate them.

Respectfully submitted,

W. H. VENNING.



# APPENDIX.

## MR. MILLER'S REPORT.

To the Honorable PETER MITCHELL,  
Minister of Marine and Fisheries, Ottawa.

SIR,—In compliance with instructions received from you, I beg leave to lay before you the following report on the fisheries in the district you have been pleased to assign me, commencing at the Restigouche River, and tracing the coast southward to the Miramichi. In one respect I have been unable to comply fully with the spirit of your instructions, viz., in arriving at a correct estimate of the value of the different branches of the fisheries. Taking the Salmon Fishery as an instance, we find large quantities of that fish caught upon the shores of the Bay Chaleurs and Miramichi are preserved by the hermetically sealed process, and sent directly to the United States Market, by the Railroad from Shediac to St. John, and from thence in the steamboats to Boston. Now, in forwarding these fish to Shediac no record of their shipment appears on the Custom House returns in the different ports of entry along the northern coast of New Brunswick, and the consequence is, that any person seeking to arrive at a valuation of that fishery, has to collect his information from private sources, which greatly vary in their estimates of value.

Added to this large quantities of "round" salmon, packed in ice or snow are sent to Shediac or the Canadian market in almost every steamboat leaving any of the above ports. As none of these fish are passed through the Custom House, it is impossible to arrive at any reliable means of ascertaining their value; although their aggregate, during the fishing season, must amount to a large sum. Other branches of the fish business stand in the same position, in respect to gaining statistics of the real value of the fisheries along the coast. But there is also another difficulty experienced by persons engaged in collecting statistics relating to the fisheries. There seems to be a feeling of distrust among fishermen, respecting all parties engaged in making inquiries about the business they are prosecuting. This feeling in a great measure arises from a desire to avoid opposition, but operates seriously against persons desirous of acquiring accurate information. I have therefore been compelled to rely upon the statement of parties who have different interests to serve in the mode of conducting the fisheries, and who of course were willing to screen from me anything connected with them, if it ministered to their interest. The figures that appear in this report, are, I am convinced, correct in the main. Trusting, however, that any deficiency that may exist in my report can be remedied by information from some other source, I proceed to the Restigouche River, which has three of its principal tributaries running into New Brunswick, viz:—The Upsalquitch, Quatam-Kedgewick (commonly called "Tom Kedgewick"), and the Mistouche or Patapedia. All these streams are favorite spawning grounds for salmon and abound with trout. From the sources of these branches, until you reach "Morris Rock," a short distance below Long Island, the Restigouche and its tributaries are under the superintendence of Mr. Alexander Chamberlin, who, acting in concert with Mr. John Mowat, the Warden, upon the Canadian side of the stream, has been enabled in a great measure to prevent poaching during the present year. Owing, however, to the extent of territory over which he is Warden, it is almost impossible to protect the fisheries as they should be, from the spear and sweep net. Mr. Chamberlin informed me that last season, whilst he was on duty upon the Restigouche, he met a party of men from the County of Victoria. The party had crossed the country by

portage, and were fully prepared with all the appliances for taking salmon, being well provided with sweep nets, spears, &c. This one instance will illustrate the difficulties experienced by wardens in the exercise of their duty; for how is it possible to convince the poor settlers of the wrong they are perpetrating in spearing salmon, when they find the practice encouraged by men holding high positions in the Province, and who, perhaps, assisted in framing the laws, and were the first to engage in their violation. Another instance of spearing came under my notice this season, when visiting the Restigouche; a party of English anglers, strangers in the country, actuated with a spirit of curiosity to witness spearing, engaged in it one night, with their Indians, only one or two salmon were taken, and the injury to the fishery was, therefore, of slight importance; but whilst the trespass upon the law arose from a simple motive, the result may be highly injurious to its proper observance in the future, as the moral support of such men in favor of the stringent law against spearing is altogether lost upon those who have assisted in its violation and acted under their instructions. Above the head of the tide, upon the Restigouche, I found very few sets of nets for salmon; in this respect it differs materially from the streams upon both branches of the Miramichi, which are fished as far as there are settlers. The reason assigned by the people settled along the river and its branches, for not fishing as in the County of Northumberland, is that the fish have no chance to reach them in sufficient quantities to warrant them in the expense of purchasing nets, on account of being caught among the islands, a short distance above Campbelltown, and I have every reason to believe that such is the case. The fact that five nets only are to be found above the islands, where the law permits them to be set is *prima facie* evidence that the fishery in that section of the river is non-productive: particularly when we know, that in the Miramichi, where the same law exists, every stream is netted almost to its source for salmon. There seems to be a general complaint among the settlers, above the islands, that the river is overnetted in that locality; this complaint coupled with the assurances of different anglers who visited the various branches of the river during the present season, who complained of the scarcity of salmon, and ascribed that scarcity to the excessive netting upon the river, leads me to the conclusion that if the salmon nets between Gerrard's Island, and the lower part of Long Island were reduced to a fourth of their present number, one of the principal sources of injury to the Restigouche salmon fishery would be remedied.

I have endeavoured in a sketch marked A, to furnish you with a slight idea of the portion of the river alluded to, and show the position of the nets *paying taxes* in that district. The islands are in general small, and the entrances between them shallow and narrow, presenting peculiar temptations to the fisherman to stretch nets from the shore of one island to another, which I have every reason to believe is not an uncommon occurrence, and can be accomplished with security from fines, on account of the size of the district under the supervision of the warden. Were it not for the occasional freshets that will not allow nets to remain set, on account of floating lumber, I am convinced that but few salmon would find their way up the Restigouche during the fishing season.

At the head of the tide, a few miles above Campbelltown, stands Gordon's Mill; from this establishment the saw dust and mill rubbish are carried into the Restigouche. There is no "fish pass" upon the dam, nor does there seem any necessity for erecting one, as the testimony of parties, in no way interested in the property, leads me to conclude that the stream was never visited by salmon, even before the mill was erected.

An American Company under the superintendence of Mr. J. W. Jones, of Boston, Mass., is located at Campbelltown, which has preserved, during this season, upwards of 36,000 lbs of salmon in hermetically sealed cases.

During the present summer, such was the abundance of salmon, that all the fish preserving concerns upon the Restigouche were over supplied, and the consequence was, that there has been more salmon salted than has been for some years past. One family, by the name of Duncan, has salted over seventy barrels (weighing 12,000 lbs) of salmon, after disposing of an equal quantity to the fishing firms.

Immediately below Campbelltown, upon what is called the mill-stream, there is a saw mill owned by A. R. Doherty of that place. In this mill no provision is made for disposing of the saw dust, which is swept by the current into the Restigouche. No fish-way is required upon this dam, as no salmon have ever been found in its waters.

Between Campbelltown and Dalhousie, a distance of sixteen miles, only three sets of

salmon nets are to be found. Between those places the fish are usually to be found upon the North or Canadian side of the Restigouche, where the bottom is clearer.

Upon the "Point," at Dalhousie, there is a fishing concern, owned by Mr. J. W. Fraser, of Quebec. In this establishment the round salmon are packed in boxes, containing snow, and are then dispatched to Quebec and other Canadian markets by the steamers leaving Dalhousie. On account of the irregularity of one of the lines of steamers during the present season, Mr. Fraser has not been as successful in getting his fish to market as he expected; he intends, however, to extend his business next season. His establishment packed during the season 60,000 lbs. of salmon fresh, besides which, he has, I believe, a large quantity salted.

In Dalhousie there is another fishing concern, owned by Mr. George Haddow, who is engaged in preserving salmon in hermetically sealed tin cases. During this season he sold his preserved fish to Mr. Jones, at Campbelltown, who sent them with his own to St. John (*via* Shediac), from whence they were shipped to the American markets. Mr. Haddow cased during the season upwards of 33,000 lbs., besides having on hand 66 barrels, salted, of an aggregate weight of 13,200 lbs.

Immediately in the town of Dalhousie is an extensive saw-mill and premises, belonging to George Moffatt, Esq. The saw-dust and mill rubbish made at this mill, are continually to be seen floating in the harbour opposite the town. Different parties have assured me, that since this mill has been erected the herring fishery has been gradually decreasing along the shore until it has become almost worthless. If it be true, that the saw dust lodges upon the shores, where the herring resorted in former times to spawn, there is little reason to doubt that the effect upon the fishery is injurious. From all quarters I heard serious complaints of the injury done to the anchorage of the harbour, by the sunken edgings and slabs thrown out of this mill. An Act relating to the Coast and River Fisheries of New Brunswick, which says: "That no slabs, edgings, or other mill rubbish shall be thrown, put, or be allowed to fall into any of the Rivers or Harbours," has never, for some reason, been enforced by the present Warden or his predecessor. There should be immediate action taken to reach cases like this, as the inhabitants of Dalhousie are universally arrayed against it, and it has become a special source of complaint among the fishermen.

After rounding the Bon Ami Rocks, until we reach the County line, separating Restigouche from Gloucester, we find a large number of persons engaged at salmon fishing.

At a distance of ten or twelve miles from Dalhousie, Mr. James Thomson has an establishment for preserving salmon by the hermetically sealing process. He is said to have cased upwards of 30,000 lbs. this season.

Along the Restigouche coast, the season for salmon fishing seldom commences earlier than the first of June, or extends later than the twelfth of July, although the law allows nets to remain set until the 31st day of that month. The greatest run of salmon is generally between the fifteenth and the twenty-ninth of June. From information derived from the fishermen, I feel convinced that each stand of nets between Dalhousie and the County line at Gloucester will average upwards of £40 this season. When we consider that a set of nets of 150 fathoms in length will cost only £65, and can be attended by one man, we can easily observe that few branches of domestic industry afford better returns than the salmon fishery.

The first river we meet after leaving Dalhousie, is the Charlo, which pours its waters into the Bay Chaleur. Across this stream a mill-dam has been erected, which presents an effectual barrier to the salmon when proceeding to their spawning grounds. During the freshet last spring the mill was swept away, but the dam still remains, and over it there should be built, as soon as possible, a fishway, to enable the salmon to proceed up the stream, as there are but few rivers along the coast where salmon are found in greater abundance, considering the size of the stream, which, although small, offers excellent sport to the angler and occasionally affords good prizes to the spearer.

A few miles further along the coast we meet the River Benjamin; on this river, and almost at its entrance, there is a saw-mill belonging to Wm. Morton. The dam upon this stream prevents the salmon from ascending the river, and as the pitch of water at this place is not high, a fish-way could be built upon it at a small expense. It should be erected without delay. The river is a small and rapid stream and would make a valuable nursery

for salmon. At the pool below the dam the salmon were collected in great numbers during the present season, and offered an easy prey to the spear of the Indian and the sweep net of the white man, both of which were freely used, if the evidence of parties who had no motive to distort the truth can be relied on. The Benjamin, in former years, was considered a first-class salmon stream, but unless a pass is immediately thrown over the dam, the fish will be destroyed, as their numbers are rapidly decreasing. All the saw dust and rubbish made at this mill is carried into the bay.

Jacquet river, the largest and best salmon stream between the Restigouche and Bathurst harbour, is about fifty miles long, and is a favorite resort of the salmon during the spawning season. The Jacquet is connected by a small portage with the Upsalquitch, from which marauding parties of Indians and netters frequently cross, sweeping the pools before them as they proceed up the latter river, and on their downward course upon the Jacquet. This stream is annually encroached upon, and requires careful wardenship for a few years, as the pools lie at short distances from each other. During the spawning time the salmon are still abundant, although for years past they have been subjected to the incessant attacks of poachers. The protection of this river merits the attention of the Government for some years, as there is no doubt that in a short time it would prove one of the best fish producing streams along the coast, and become valuable as a station for anglers.

According to the provisions of the present law, no salmon or grilse are allowed "to be killed, caught or taken" in the Jacquet, above the bridge crossing the river upon the highway. In any future law the same provision should be introduced. For the effectual preservation of this stream one man should be stationed upon it from the first of July to the last of October.

The Jacquet is the last river of any importance to the fisheries along the coast, within the limits of the County of Restigouche.

There are very few schooners and boats engaged in fishing, owned in Restigouche, and they are altogether employed in the Carraquette herring fishery. All the herring caught are usually disposed of in the local markets or sold at Carleton, C. E. From enquiry made at the Custom House at Dalhousie, I found that up to the month of September, there had only been one cargo of herring exported, belonging to the Hon. A. C. DesBrisay. This shipment consisted of 1,600 barrels herring, value, \$3,200, and was invoiced to Boston, U.S.

In a Schedule, marked B. which accompanies this report, will be found the names of parties owning boats, &c., between Dalhousie and Bathurst. It appears that the herring fishery has not been prosecuted as largely as in former years. The decline in this branch of the fisheries, arises principally from the small price they command in the United States market, where they are usually disposed of. If a more perfect system of inspection could be introduced, and a better mode of curing our fish be adopted, I have little doubt that in a few years the character of the herring caught along the north shore would be raised, and their price proportionally increased in foreign markets. In former times so plentiful were the herring along portions of this coast in the spring season, that they were freely used as manure for the fields; of late years they have not approached the shores in such numbers.

Between the Rivers Charlo and Jacquet there is a fishing establishment, owned by some firm in Scotland; since it went into operation this spring, it has put up in hermetically sealed tin cases, upwards of 16,000 lbs. of salmon, besides salting upwards of 1,000 lbs. The business is under the control of Mr. Barn, who is preparing to greatly extend it next summer.

In general the fishermen along the Restigouche coast are fortunate in obtaining a large share of salmon, but owing to the demand for them the number of nets are increasing annually, so that in a few years it will be found necessary, for the protection of the fishery, to mark limits between nets, say a quarter of a mile between each stand.

In all the streams I visited in Restigouche I found trout in great abundance, and in some places nets are set for the purpose of taking them, there being nothing in the present law to prevent it. I am strongly impressed with the idea that trout should not be allowed to be taken in nets. The present Canadian fishery law, which is a model of conciseness and wisdom, has a provision in it for the protection of the trout from netters. Many of

the salmon fishermen are possessed with an idea that the increase of salmon would be proportionally larger, if the trout could be exterminated. There is no doubt that the salmon ova, during the spawning season, are largely destroyed by trout, nor that they likewise prey upon the young salmon or "parrs;" but I am fully persuaded that placing trout nets in the small streams is more injurious to the salmon fishery than any injuries the trout may inflict upon it, as the destruction of trout (allowing them to possess the qualities ascribed to them) does not compensate for the loss of grilse taken in the nets used in capturing trout.

Lobsters are found at almost every part of the coast, but I have been unable to gain tidings of an oyster bed from the Restigouche to Carraquette.

During the present season the white porpoise have been very plentiful in the Bay Chaleur and River Restigouche. It is only eight or nine years ago since they made their first appearance in those waters. When they first arrived there were cries of lamentation and woe among the fishermen; as they supposed the porpoise would be certain destruction to the salmon fishery. Quite a different opinion now prevails, and more than one fisherman assured me, that in fine weather they seldom catch any salmon until the porpoises make their appearance in the river or bay, when the salmon seek the shallower water near the shore. On their first appearance in the Restigouche large numbers of them were shot, but as the party shooting them seldom secured the carcase on account of its sinking when shot, and only floating when decomposition set in, they have been allowed to go unmolested during the last few years. A Company has been formed in Canada for the purpose of taking porpoises in the Bay Chaleur during this season, but the fish are now so wary that although the fishermen are well equipped with nets and other contrivances, they have not been successful in capturing many.

The following are the names of persons fishing salmon on the New Brunswick side of the River Restigouche, from the upper sets until reaching below the island alluded to in this Report. I have numbered the different sets to correspond with the plan A enclosed.

No.	Name.	Set.	Fathoms.	Width of River.
1	Gideon Lefuargie.....	Jamie's Hole.....	20	240 feet.
2	Phineas Wyres.....	Petapedia.....	20	280 "
3	John Diamond .....	Wyre's Farm .....	40	300 "
4	Duncan McDonald.....	Lancton Island.....	40	200 "
5	R. & E. Ferguson.....	Pritchard Island.....	40	300 " to Island.
6	Robert Gordon .....	.....	60	400 " "
7	Thomas Murray .....	Murray Farm .....	60	600 " "
8	Thomas Murray .....	Shore Island .....	40	350 " "
9	Peter Adams .....	Duff Island .....	50	600 " "
10	Robert Duncan .....	Duncan Farm .....	60	500 " "
11	Robert Gerrard.....	Gerrard's Island .....	40	450 " "
12	John Gerrard.....	Farm.....	130	1½ mile to Canada side.
13	John Gerrard.....	Across Channel.....	100	1½ " "
14	Joseph Pratt .....	Farm.....	150	1½ " "
15	Robert Duncan.....	Middle ground, Glebe lot...	150	1½ " "
16	John Ferguson.....	.....	150	1½ " "
17	John Gordon.....	Gordon Island .....	40	250 feet.
18	Melville Adams.....	Tail of Gillie's Island.....	70	500 " "
19	Melville Adams.....	McGregor's Island.....	40	400 " "

The following are a list of persons who own nets between the Islands, and the County Line at Gloucester, in the various sections :—

## CAMPBELLTOWN TO RIVER CHARLO.

No.	Name.	Fathoms.
22	William Gerrard.....	150
23	Thomas McNash.....	150
24	Edward Minnis.....	50
25	Charles Stewart.....	70
26	D. Stewart.....	70
27	J. Petrie.....	200
28	Andrew Barberie.....	155
29	Wm. Caldwell.....	150
30	Chas. Allain, jun.....	150
31	Adam Ferguson.....	150
32	Peter Hamilton.....	150
33	Robert Conachar.....	140
34	James Thomson.....	140
35	D. Hogan.....	50
36	Fred. Polier, jun.....	55
38	Fred. Polier, sen.....	50
39	W. Warren.....	50
40	Francis Gereaux.....	50
41	Peter Gereaux.....	50
42	Allan McIntyre.....	150
43	Alex. Hamilton.....	150
44	Peter Hamilton.....	150

## RIVER CHARLO TO JACQUET.

45	J. McMillan.....	70
46	Prosper Lowie.....	70
47	Hugh Blain.....	50
48	Alex. Dickie.....	70
49	Alex. Dickie.....	50
50	Alfred Ward.....	70
51	D. Dickie.....	70
52	James Shea.....	70
53	P. & H. Hamilton.....	70
54	D. Dickie.....	70
55	A. Harvey.....	70
56	J. McIntosh.....	70
57	J. McMillan.....	70

## RIVER JACQUET TO COUNTY LINE.

58	J. McMillan.....	70
59	P. Doyle.....	130
60	S. Lachlan.....	50
61	J. Miller.....	70
62	Wm. Doyle.....	50
63	J. McDonald.....	50

During the present season, different parties at Dalhousie, whose names have not appeared in this report, have shipped large quantities of salmon to Quebec. The fish are usually packed in ice, and have been sent off in quantities, varying from 500 to 9,000 lbs. Other individuals are engaged in the same trade with St. John, so that it is utterly impossible to arrive at anything approaching a correct estimate of the value of the salmon caught in Restigouche. The aggregate quantity entered upon the books of the Deputy Treasurer at

Dalhousie, was so trivial, that I deemed it worthless for any practical benefit to allude to it in this report.

### GLOUCESTER.

The County of Gloucester is divided into two fishing districts, under the supervision of Wardens, who receive for their services \$150 each. The one district extends from the county line at Restigouche, embracing the salmon fisheries along the coast, with the intervening rivers, viz:—The Nicadeau, Teteagouche, Little, Middle and Main Nepisiguit, together with Bathurst Harbour. In this district there are several fine streams, which require the utmost vigilance on the part of the Warden. In the other district, which takes in the coast and streams, from the south side of Bathurst Harbour, until the boundary line at Northumberland is reached, the duties of a Warden are merely nominal, as no salmon streams are found in it of any importance.

Along the coast, from the County of Restigouche, until you reach Bathurst, the salmon and codfishing are prosecuted with a good deal of energy, particularly the former. The largest fishing stations for cod, are found at "Elm Tree" and Petite Roche. Between those places there are upwards of thirty boats engaged in this business, but I found it exceedingly difficult to obtain any satisfactory information relative to their catch during this season. I have, however, been able to obtain the names of the different parties owning boats which I have filled in the schedule B, accompanying this report.

Along this coast, at short intervals from each other, are to be found small streams, many of which run inland for a long distance. In almost all those streams trout can be found in abundance, but salmon do not now frequent their waters.

At Petite Roche, Messrs. Miller and Smith have an establishment where they put up 46,000 lbs. of salmon, in hermetically sealed tin cases, during the fishing season. At Madisco point, in the same district, there is another establishment, owned by Rufus C. Cole, Esq., of Madisco. The salmon preserved in this establishment are put up in tin cases, hermetically sealed, and weighed 20,000 lbs.

The following parties are engaged in the salmon fishery, between the County line of Restigouche and the north side of Bathurst Harbour:—

No.	Names.	Length of Nets.
1	Francis J. Boudre .....	100 fathoms.
2	Joseph Obie.....	100 "
3	Nelson Obie.....	60 "
4	Joseph De Grasse .....	200 "
5	James Devereaux.....	150 "
6	Ugul Boudreau.....	200 "
7	Xavier Doucette.....	100 "
8	Fabian Doucette .....	150 "
9	Joseph Fornea.....	100 "
10	Fabian Fornea .....	200 "
11	Lawrence Hache.....	60 "
12	Lama De Grassie .....	150 "
13	Mitchell and Charles Fornea.....	200 "
14	Antoine Blaze .....	180 "
15	Jeannot Commeau .....	100 "
16	Ambrose De Grassie .....	100 "
17	Alexis Forneau .....	120 "
18	Frederick Commeau .....	150 "
19	Francis Forneau .....	125 "
20	Denis Obie .....	100 "
21	Francis J. Boudreau.....	125 "
22	Thomas Boudreau.....	150 "
23	Isaiah and Henry Boudreau .....	120 "
24	Alfred Obie .....	120 "
25	Louis Hache.....	130 "
26	Peter Hache.....	100 "
27	Robert Armstrong (3 etts).....	9.0 "

From Mr. Armstrong's three stands of nets, situated at Youghall, he took 1,798 salmon, weighing 20,733 lbs., during the fishing season. Mr. Armstrong also employs a "trap" for the purpose of taking mackerel and herring, and in which he has taken ninety-one barrels of mackerel. For the privilege of using this trap he has paid to the Warden \$10. It was not in use during the salmon season; but the principle of allowing "traps" or "pounds" at all is wrong, as all sizes of fish are taken indiscriminately, the grilse, herring, trout and salmon, being sometimes taken at one time.

At the north side of the entrance to the Harbour of Bathurst, is Allston Point, upon which is erected an establishment owned by Mr. Piper, an American. At this station the salmon are frozen by chemical agencies, and packed in ice when intended to be shipped. The process, I believe, is patented by Mr. Piper, in the Province of New Brunswick, and has been used with great success for upwards of two years. The owner of the establishment seems to throw a shroud of mystery over the manipulations connected with his process, and strangers whose curiosity tempts them to visit it will find their reception a freezing one. Mr. Piper receives salmon from both sides of the harbour, and exported 63,000 lbs to the American market during this season. As his fish are shipped directly to St. John (*via* Shediac), where they are placed on board the boat for Boston; the Deputy Treasurer of Bathurst had no account of them in his books. The figures above shown, I gained from a source that can be relied upon.

The first river we meet after rounding the Point in the Harbour of Bathurst, is called the Teteagouche, which pours its waters into the harbour, about three miles from the entrance. It takes its rise in the County of Restigouche. In old times, this stream was plentifully supplied with salmon, but the sweep net, the spear, and a mill-dam, situate a few miles from its mouth, had well nigh succeeded in completing their destruction, when the Honorable John Ferguson, of Bathurst, to whom the mill now belongs, erected a fish pass that enabled the salmon to reach their old spawning grounds above the dam. Since the erection of this pass a continual increase of salmon can be observed, but with that increase the old spirit of poaching has revived upon the river, and the sweep net and spear are again doing their work, as in former times, notwithstanding the utmost exertions of the Warden. Too much credit cannot be given to Mr. Ferguson, by every friend of the salmon fishery, for the deep interest he has ever manifested in the preservation of this source of our national wealth, and to him is due the credit of being the first and only mill-owner who has erected a fish-pass within the Counties of Restigouche, Gloucester or Northumberland. The Teteagouche only allows salmon to ascend about ten miles from its mouth, at that distance the "Falls" are to be found, which are about 20 feet in height, which presents an effectual barrier to their future progress.

Middle River, together with its tributary the Little River, discharges into the Harbour of Bathurst. This stream is sluggish in its course, and has never been a good salmon river. A few salmon are to be found up the river, at a distance of twenty miles from its mouth, engaged in spawning.

Little River is a small branch of the Middle River. This river also contains spawning grounds, at a distance of ten miles from the harbour, but the number of salmon is comparatively small. In it, however, in common with all other rivers along this coast, the angler can at any time, in the fishing season, count upon having good sport with trout!

The Main Nepisiguit, according to Charles Lanman, Esq., a well known authority upon piscatorial matters, is undoubtedly for anglers, the best salmon river in the Province and is scarcely surpassed by any in the world. Other authors such as Morris and Roosevelt, bear testimony to the high character being deservedly bestowed, not only on account of the splendid facilities it presents to the angler in the pursuit of his favourite sport, but combining with them the most beautiful natural scenery. The pools lie at easy distances along the river, and are generally plentifully stocked with trout, grilse and salmon, notwithstanding the fearful havoc that has been committed upon them by the *white* and Micmac Indians. After listening to the stories that are told of the wholesale butcheries committed among the salmon in former years, it excites our astonishment that the species is not long ago extinct in its waters. Not only were the settlers along its banks engaged with the Indians in destroying the salmon upon their spawning grounds, but banded with them were parties from the north-west branch of the Miramichi, who would make their periodical



visits to it by the portage between the rivers, for the purpose of sweeping it with nets and spearing. In these expeditions they were usually successful, and generally returned to their homes with heavy loads of spoil. Fortunately this state of affairs is now ended, and the Main Nepisiguit is probably the best protected stream at the present time to be found in the three northern counties. This change is altogether due to the indefatigable exertions of the present Warden for the district, Mr. James Hickson, who seems to be imbued with a fish-preserving spirit that amounts almost to a passion, and the assistance furnished him by the Honorable John Ferguson, of Bathurst, and J. DeWolf Spurr, Esq., of St. John, N. B., who have for the past two years placed a man upon the river during the months of July and August, to act in concert with the Warden for the protection of the salmon. The best stations for angling, are still in the possession of the Province, and the Government of New Brunswick are now in the habit of disposing of their fishing rights in the stream. The Government claim, below the Pabineau Falls, was sold this season for \$105. It is said to have been purchased for the Honorable David Edward Price, of Canada. The stations above the Falls were disposed of to James De Wolf Spurr, Esq., of St. John, the purchase money, I believe, being \$50. Formerly the Government of New Brunswick, in granting lands, sold down to the margin or the water; of late they have reserved four rods along the sides of the river, from which there is every reason to suppose they will eventually derive a large income from sportsmen, besides securing private protection to the stream. Many excellent fishing stations upon the river are, however, in the possession of private individuals. During the past season, the Warden has made two or three seizures of nets, which he found illegally set. After a great deal of labour in carrying them to Bathurst, they were sold at auction at nominal prices to the owners, no persons wishing to bid against them. He also lodged complaints before a magistrate against upwards of a dozen of Indians whom he detected in spearing, but complained that he could not get any persons to carry out the warrants against them. Mr. Hickson likewise brought under my notice a new instrument for the destruction of salmon or trout, which was used upon the Nepisiguit, this season, by some of the anglers who were fishing there. It is made by fastening three or four large mackerel hooks upon a piece of lead about three inches long, formed in an elliptical shape, its greatest diameter being about  $\frac{3}{4}$  of an inch. This jigger, attached to the anglers line, is cast among the fish which lie in dark and motionless masses in the pools, and is then quickly drawn across the stream, and in an expert hand seldom fails to secure the fish. The Warden assured me that he had seen it tried by a man who had been employed by the angler who he believes introduced it upon the river, and he rarely failed to grapple a salmon. Should this instrument get a general introduction among the Indians and settlers, there is but little doubt that it will prove more detrimental to the salmon fishery than the spear. It is said to be in general use among the poachers of Great Britain, by whom it is called the "stroke haul." There is an Indian Reserve upon the Nepisiguit, which contains 1,000 acres, it is situated about seven miles from Bathurst. Last spring there were upwards of twelve families residing upon it; finding, however, that they could not spear, as in former years, on account of the vigilance of the Warden, the greater number of the families moved to the sea-coast. At present we believe that not more than four families live upon it.

After leaving Bathurst, the first fishing establishment we meet, is one owned by Messrs. Miller and Smith, of Bathurst, who have their premises located at Salmon Beach, here they preserved 25,000 lbs. of salmon, in hermetically sealed tin cases this season. The salmon strike along the "beach" in great numbers. As a general rule the nets along this shore present a greater average of length than those found upon the northern side of the harbour.

At Carron Point, situated about a mile below the entrance of the harbour, the Bass River, a small stream, empties its waters in the Bay. I do not know from what cause this river received the name it bears, from all I could learn no bass are now to be found along this part of the coast, which is, however, the best station for catching herring in the county with the exception of Carraquette.

The salmon fishery does not extend along this coast beyond New Bandon. The fol-

lowing list contains the names of the parties engaged in this fishery, together with the length of the nets in use this season :—

No.	Names.	Fathoms.
1	Fabian Hache.....	150
2	Fabian Hache.....	140
3	Thomas Smith.....	62
4	Thomas Smith.....	120
5	Robert Donalds.....	130
6	Thomas J. Smith.....	200
7	E. Ellis.....	108
8	Robert Miller.....	60
9	Robert Miller.....	100
10	Benjamin White.....	150
11	Henry Buttmer.....	100
12	Robert Ellis.....	130
13	William Ellis.....	150
14	James Morrison.....	200
15	William Eddy.....	200
16	Alexander Morrison.....	100
17	Robert Ronalds.....	180
18	Alexander Morrison.....	70

After leaving New Brandon, the next settlement we meet is Grand Ance, which is the first of the fishing stations along the coast exclusively devoted to the cod and herring fishery. The season for codfishing commences in the early part of the month of June, and is usually terminated in the first fortnight of October. From Grand Ance to Tracadie, the fishing season is a period of great activity. The boats employed in the fishery are usually between 24 and 28 feet keel, are built without decks, and rigged schooner fashion, carrying a mainsail, and foresail and jib. They are excellent sea-boats, and perhaps no improvement could be made in their construction for the purposes they are intended. They are usually manned by two men and a boy. Early each Monday morning, during the fishing season, they leave the shore, and seldom return before Saturday afternoon. The fish taken during the week are salted down between bulkheads, fitted up in the boats, and the only fish brought ashore fresh are those caught during the last day before the return for home. The usual number of fish caught in a week is between one and two thousand, which represent on an average, when cured, from eight to sixteen quintals of fish. During the first part of the season, the fish taken are inferior to those captured later, being much thinner and smaller. At Grand Ance the different fishing houses along the coast have branch establishments where they receive and cure fish. Mr. Alexandre, of Shippegan, having the largest "room." This season, the codfishery of Grand Ance has not been as successful as in former years, if I can rely upon the accounts received from the fishermen. The herring sold here are principally taken upon the Carraquette Banks. Mackerel are said to be plentiful along this district, but few are taken except as bait for codfish. There is no doubt, however, that large quantities could be procured, if the people possessed the proper nets for capturing them.

After rounding Cape Mizzinet, from the north, we reach Carraquette Bay, which is without doubt, the best fishing station upon the coast for herring, boats and schooners from all quarters come into this bay to catch and purchase herring, and all return with full fares. At this place can be found vessels belonging to Restigouche, Richibucto, and the northern side of the Bay Chaleur, which make annual visits during the fishing season, as the herring caught upon the "bank" are superior to all others taken upon the coast. The supply at all times however, seems equal to the demand. The herring, which are

taken through the night in nets, are brought to the shore in the morning to be cured, and generally suffer much deterioration when undergoing that process, from the careless manner in which they are treated, except at the large fishing houses, where every care is taken to secure them in good condition. If the herring caught here were properly attended to, there is no doubt but they would command a much higher price than they do at present. A good and efficient system of inspection is absolutely required at this station, to restore confidence in the foreign markets, and obtain for the Carraquette herring the character that they are fairly entitled to receive. Nearly all the large fishing establishments at this place purchase herring, which they export to different destinations. The house of Charles Robin & Co., shipped to Quebec, Nova Scotia, P. E. Island and the United States, during the month of August, upwards of 2,300 barrels of herring and gasperaux, the proportion of the latter being trifling. The other houses, likewise, export herring, which are generally invoiced at \$4 per barrel.

The gaspereaux caught in Carraquette are a fine fat fish, well flavoured and far superior to the same fish when taken in the rivers. From all the information elicited by my enquiries, I am led to believe that this fish never enters the river pouring into this bay.

Mackerel are not found in great abundance in the Carraquette waters, but reasoning from the fact that the American fleet, in pursuit of that fish, are often to be seen outside; there is every reason to suppose that if the fishermen were conversant with the business, and able to enter it with good outfits, that Carraquette would be found to be an excellent station for the mackerel fishery.

But the business of Carraquette, is essentially the taking of codfish, other branches of fishing may be entered into by the fishing concerns, but they are looked upon as side strokes, which must in no way interfere with the codfishery, which stands pre-eminent.

At Carraquette, the principal establishment is that belonging to Chas. Robin & Co. Here fish are handled with the greatest care, and every attention that man can bestow is lavished upon them. The buildings at this establishment are models of neatness, and nothing necessary for their proper cure is wanting. Here ponderous piles of codfish of all classes and grades, the difference between them not being discernible to the eye of a novice, are ranged in immense warehouses, roomy and well ventilated. Large buildings are seen, filled with rows of white casks, containing oil, all neatly labelled with the address of their future owners, and shewing the number of gallons each cask contains. Fishing sheds, salt stores, smithies, cooperages, and workshops of every description, are found upon the premises, forming in all a model establishment, combining every facility to save labor, with the utmost neatness, compactness and cleanliness. Large quantities of the fish taken here are sent to Paspebiac, on the Canadian shore of the Bay Chaleur, for shipment, where the head of the establishment in America is located. The codfish at this "room" are divided into six classes, the difference between many of them not being in the least degree perceptible, even upon minute examination, to those unaccustomed to the business. For the first class fish they usually pay twenty shillings per quintal. This quality is generally exported to Oporto or Naples, and consists of the largest and finest of the fish caught. The second class, which are disposed of in the Brazilian market, are a smaller fish, but, with the exception of size, in no way inferior to the preceding quality. From the very able report laid before the Governor General of British North America, in 1866, by the Commissioners appointed by the Governments of the various Provinces to enquire into the trade of the West Indies, Mexico and Brazil, we can learn in what estimation the fish cured in this establishment are held in the Brazilian market. The Report, page 29, says:—"While the Commissioners were in Rio de Janeiro, two cargoes of British North American fish arrived at that port, one from Halifax, the other from Jersey. They were sold at the very remunerative price of \$12.50 per Portuguese quintal of 128 lbs. English. The fish of the brand C. R. C., put up by the house of Chas. Robin & Co., always commands the highest price. The superiority of this fish is owing to the circumstance of its being more carefully selected and packed in better tubs than the fish of any other house in the trade, generally uniform in size, and very small, while the tubs in which it is packed are made with the greatest care." The other grades are sent to different parts of the world, the broken fish and most inferior kinds being sent to the Irish market.

Upon enquiry I learned that no "gurry grounds" have ever been laid out along this

coast, which must have been a source of real injury to the fishery. All experienced fishermen declare that a codfish after devouring the offal or other fish, particularly the back bone, never thrives afterwards. It is true, that many of the fishermen now bring the offal of the fish they catch ashore, and use it as manure; but others, through ignorance or stupidity, persist in casting it overboard, and from the number of years they have been permitted to do so with impunity, I am led to believe, that in the future it will require rigorous measures to compel the proper observance of the law respecting "gurry grounds."

At Carraquette Messrs. Alexandre of Shippegan, have a very large and commodious "room." All the fish taken by them at this point, are sent to Shippegan for foreign exportation. The Hon. Robert Young and Brothers, have an establishment likewise at this station, together with two along the coast, and usually dispose of the fish taken by them to the house of C. Robin & Co.

The oyster beds at Carraquette, which furnishes an excellent oyster, will shortly require protection to prevent their complete destruction. During the period allowed for taking them the beds are dragged almost incessantly, and injurious as former seasons have been that of 1867 is still worse, as this season there will be a greater quantity of oysters shipped than there has been in any former year. When I visited Carraquette this month, two large schooners were waiting to receive cargoes, and upwards of 150 boats were busily engaged in raking oysters for them. I have every reason to believe that up to the middle of the month of October, 3,000 barrels had been shipped. A few more seasons, such as the present, will enable the Carraquette oyster fishery to be reckoned among the things that were. As Carraquette affords better anchorage and shelter for boats along its coast than either Grand Ance or New Bandon, it will probably always be the central seat of the fisheries. No salmon are to be found along its shore, and the river is never resorted to by them for the purpose of spawning.

Along the coast, from Carraquette to Shippegan, the people are engaged in fishing. At Shippegan the principal business pursued is the codfishery, although large quantities of herring are likewise exported. At this place Messrs. Alexandre have their principal establishment. Mr. Wm. Taylor and Mr. J. Doran are likewise engaged in the same branch of business. A very large business is done at this station, but I have been unable to gather any statistics that represent its actual trade. The fishermen living in Shippegan and Miscou, either deal directly with the houses at Shippegan, or at stations where men have been placed to receive their fish.

At "St. Simon's inlet," a spacious basin of water, found after rounding Pocksoudie Island, there is a small oyster bed, the oysters are, however, inferior in flavor and size to those taken at Carraquette.

After leaving Shippegan, the first river of any fishing importance we meet is the Pokemouche, a dull, slow stream; formerly salmon were to be found in its waters, but at present if any exist their existence is known only to the Indians. This river formerly abounded with gaspereaux, but extending nets across a river at narrow points is calculated to destroy even better fishing streams than the Pokemouche. In former years Messrs. Alexandre, of Shippegan, had an establishment at this station for curing gaspereaux, but we believe it is now deserted, on account of the quantities taken not being sufficient to make it remunerative. The law at present regulating the catch of gaspereaux in the Pokemouche, does not allow the nets to be set at an angle with the stream, but makes it compulsory that they follow the line of the river; and no seining is permitted. Both of these provisions, I would suggest, should be embraced in any future law, at least until the river is restored to its former state. Some years ago bass were abundant in this river, but like all other kinds of fish, they are rapidly being destroyed. A large proportion of the people in Pokemouche have boats and are engaged in the herring and codfishery.

The Tracadie rivers are reached at a short distance from the latter station. The salmon is still to be found in both rivers, though in small numbers. Trout, however, continue to be abundant, and large quantities of gaspereaux are still taken.

At Tracadie gully, John Young, Esq., has an establishment for curing herring and codfish. The establishment is very compact, and is said to be in a good position for the prosecution of these fisheries. Large quantities of spring herring are taken along this coast, but mostly used for local consumption.

Between Tracadie and the county line separating Gloucester from Northumberland, there is a small river called the "Portage." I was informed that in the autumn of 1866, two Indians speared upwards of seventy salmon upon the spawning grounds of the stream, and that some of the settlers have likewise assisted in their destruction with sweep nets. From the size of the meshes of a net which was said to be used for taking salmon in this river, and which I noticed upon the shore, I am convinced that there is a great deal of illegal fishing in its waters. No other river is to be found until you reach the Tabusintac, in the County of Northumberland.

#### NORTHUMBERLAND.

After leaving the line that separates Gloucester from Northumberland, we arrive at Point Barreau, on both sides of which Mr. Robert Young, of Tracadie, formerly caught large quantities of salmon, but from the distance to the preserving establishments at Portage Island and Burnt Church, the locality has never been thoroughly tried. From enquiries made at Tracadie, I am convinced that in a short time there will be a line of nets stretching from the Tracadie to the Tabusintac, as all accounts agree in establishing the opinion that there is a good salmon fishery along the whole beach.

The Tabusintac is the first river of any importance after leaving the county line. The entrance to it is through a gully which opens into a large lagoon into which the river debouches. From its proximity to the sea, and from the steepness of its banks, which permits fishing boats or small schooners to lie along the shore, this gully offers peculiar advantages for the establishment of a "fishing room." From the mouth of the gully to the head of the tideway, oysters were formerly taken in great quantities, but of late years, on account of the beds being nearly destroyed, they have hardly realized the wages of the men employed. The oysters found in this bed were not of a very good flavor, but judging from the devastation that has been made among them, there must have been some palates to which they were agreeable. Small quantities of them are still brought into the local markets, but they are nearly worthless, being taken in the fresh water, near the head of the tideway. Were this river and lagoon protected from molestation for a few years, I have no doubt that the beds would be restored to their former state. The parties who now rake these fresh water oysters, take them to the salt water, where a few weeks submersion imparts to them something of a saline flavor, that renders them tolerably palatable. The tide flows up this river about seventeen miles but no salmon nets are now set in it, the settlers preferring to sweep the holes further up the river, during the season when the water is low, in direct violation of the law. Formerly this river was frequented by large numbers of salmon, but the same means which have destroyed and still are destroying other rivers in the county have been practised here to an alarming extent, and so effectually that it is now doubtful whether any salmon visit it at all. From enquiries made of the Indians at Burnt Church, I learned that a few still annually visit it, but not in sufficient numbers to induce a spearing expedition, although the encampment is not far from the river.

The Tabusintac is, without doubt, the best river on the north side of New Brunswick for angling. Incredible quantities of trout of the largest size are taken every season by the various parties of anglers who annually visit it. One party of three caught in a day and a half no less than three barrels of these fine trout, and could have taken as many more had they wished. The trout usually weigh from 2 lbs. to 5 lbs., and furnish excellent sport. June and July are the best months for angling.

Heretofore there has been no protection for trout, either upon this river or any other in the Province. The pools are mercilessly swept by nets, when the water is low, and I have been informed that three or four barrels have frequently been taken by one drag of the net, and I have every reason to believe that "sweeping" is practised along the whole course of the river. If this is continued the trout must soon disappear, although they are still abundant.

Formerly bass and gaspereaux were caught in this river in large quantities, but of late years they have both become scarce, in consequence of the illegal practice I have described. As these fish ascend the river for the purpose of spawning there can be no doubt that with proper protection it will be restored in a few years. I am strongly of

opinion, that as all netting now done in this river is in direct violation of the law, and as it has become so reduced that legal fishing is not remunerative, it should be carefully protected as a breeding stream and nursery for the main river. There is no doubt that it can be leased for angling purposes, and as this mode of fishing when legitimately pursued, can have no sensible effect upon the stock of fish in the river, a few years of careful Wardenship would make it valuable as an angling stream for salmon as well as trout, and an important tributary to the valuable fisheries of the Bay.

After leaving the Tabusintac, we traverse the Neguac coast, where salmon fishing is prosecuted to a large extent. The fish are generally disposed of to the establishment of Messrs. Loggie and Anderson, at Burnt Church, or to that of Mr. Farnham Letson, at Portage Island. There are at present but two vessels engaged in cod-fishing from Neguac, where formerly there were ten or twelve. Portage Island, one of the best salmon fishing stations upon the river, lies directly opposite Neguac; upon this Island there are from 15 to 20 sets of nets striking from the shore directly out to sea. These nets, exclusive of tails or swings are usually from 150 to 250 fathoms in length. In former years this island was claimed by a few French families, who held it by a sort of pre-emption right, founded upon some old "Minute of Council." By these the privileges of fishing was leased to the different fishermen. A few years ago, however, the Government of New Brunswick put the privilege of fishing at Portage Island up at auction, when it fell into the hands of George E. Letson, Esq., who was then prosecuting a large fishing business at Neguac. Difficulties arose between the purchaser and the fishermen who formerly occupied the stations; these were likely to result in litigation, but the matter was compromised by allowing the fishermen to occupy the old stands. In the latter part of 1864, or early in 1865, a grant of the island was made to the Lords Commissioners of Admiralty, who, since that time, have been accustomed to lease the island in lots, as shown upon plan C, which accompanies this report. The annual rent derived from these leases amounts, at the present time to \$485, which is disposed of in the following manner:—One third of the sum goes toward the payment of the stipend of the Presbyterian Clergymen stationed at Burnt Church and Tobusintac, the remaining two-thirds are divided between the two schools at Burnt Church. Owing to the fact that the parties fishing upon that island leased from the Admiralty, the Warden concluded that he could not exact the usual tax upon nets. At a short distance from the shores of Portage Island, there are numerous sandbars running in various directions. Upon these shoals the fishermen stationed upon the island have been accustomed to place "swing nets." These are fastened at one end to killocks on the bottom, to which are attached large buoys. These are extended by means of floats on the upper edge and weighs on the lower edge, and one end being free they swing round the buoys with the force of the tide. I instituted enquiries for the purpose of ascertaining the number of those nets, but could gain no reliable information, as the fishermen on the island understated their number, whilst those above largely exaggerated it. One thing, however, is clear, that since their introduction they have annually increased, and are a source of incessant complaint among those fishing further up the river. These complaints are not without reason, for from both Portage and Fox Islands, nets of immense length are stretched directly in the course of salmon entering the river, and these swing nets, in addition to them, almost ruin the fishing further up. From the statements of parties upon whose testimony I can rely, I am led to believe that stations at Oak Point, which for forty years had been uniformly productive, have been rendered almost worthless since the introduction of swing nets at the islands. This is an abuse which should come at once under the cognizance of the Department, and I would strongly recommend that some severe restrictions be embodied in any law that may be adopted for the protection of the fisheries.

In the spring Portage Island is a good station for catching herrings, but of late years this fishery has not been pursued to such an extent as it might be, in consequence of the small value of the fish in the American market, owing to the careless manner in which they are cured, and the improper manner in which the Inspector's brand is placed upon inferior fish. Often from these causes they do not realize the cost of the barrels and salt. A more rigid enforcement of the Inspection law would remedy this, and this branch of the fishing business would soon become lucrative.

Lobsters are found here in great abundance and are considered at present almost

worthless. During the season for salmon fishing large heaps of this valuable shell fish are to be found along the shore, where they have been thrown by the fishermen after returning from their nets. For many years no one has turned his attention to preserving them although this business could be made profitable by any person possessing a small capital. They can be purchased in any quantity at the rate of 60 cents per hundred. Recently Mr. Letson, of Chatham, has put up 25,000 lbs. of Salmon, and about 8,000 lbs. of Lobsters in hermetically sealed cans, and there is no limit to the extent to which this branch of the fishery might be pursued.

Proceeding upwards we pass the Burnt Church shore, where great quantities of salmon are annually caught and disposed of to the establishment of Messrs. Loggie and Anderson, which is located in the neighbourhood. This firm, during the present year, put up 78,000 lbs.

Burnt Church River is the next stream we meet after passing Tabusintac. It is small and of no fishing importance, trout are plentiful in its waters, but are of a size inferior to those of the latter river. Between this river and Oak Point, a number of excellent fishing stands are to be found, but there is great reason to fear that if the "swing nets" around Portage Island are allowed they will soon be rendered useless. Already stands that were formerly productive and lucrative have been deserted, and this will be the general result along the north shore of the Miramichi, to the injury of the many for the advantage of the few. In this locality a large oyster bed extends from Oak Point to Sheldrake Island. These oysters are of good quality and command remunerative prices in Quebec. I observed between 40 and 50 boats engaged in raking this bed, and I have no doubt that there have been sent to the Canadian market from this bed alone, during the season, upwards of 1,000 barrels. As it has been annually raked for some years, I would recommend that it be relieved from this incessant drain for a time sufficient to allow it to recruit.

A short distance above Sheldrake Island, the Bartibogue enters the Miramichi. This river was formerly a favorite spawning ground for salmon, but the sweep net and spear, with nets stretched entirely across it have been so successfully used, that at present but few fish ascend it. There is no river on the north side of the Miramichi which requires more careful supervision than this, and I am convinced that were it guarded as effectually as it deserves, for two or three years, salmon would be as plentiful as they formerly were, seeing that it is peculiarly adapted to the habits of this fish, and offers fine facilities for spawning. Its contiguity to an Indian encampment, however, will render this somewhat difficult. As a trout stream it is unsurpassed, and the most likely means of effectually protecting it will be to lease it for the purpose of angling.

Great quantities of gaspereaux and bass were formerly taken in this river, but this branch of the fishing has been nearly destroyed by seining. The fishery regulations for Districts 5, 6, 7, and 8, under section 5, provide "that no seining be allowed within the District comprised between Moody's Point and easterly end of Bartibogue Island, and up the Bartibogue river, under a penalty of \$40 for each offence." Since this regulation came in force, the stream has become an excellent fishing ground for gaspereaux, gill nets alone being used. At a short distance from Bartibogue, Messrs. Lapman and Blizard have a fishing establishment where they usually take in about 56,000 lbs. of salmon during a season. They prepare a large proportion of their fish for market by smoking them. There is a small mill upon the river, but as the dam is low it offers no serious impediment to the fish when proceeding up the stream.

From the Bartibogue, until the North-west Bridge is reached, there are a great many stands of nets set from the shore. On many of these the owners have refused to pay their annual taxes in consequence of the working of the General Regulations under the Fishery Law, which relates to salmon, viz:—"For every net so used of fifty fathoms in length, fifty cents, and for every fathom over fifty, one cent." They evade the tax by keeping their nets one or two feet under the rateable length, while there is no doubt that many stands, with 48 fathoms of net, take nearly double the number of salmon during the season that 160 fathoms take in other positions.

The distance between the County line of Gloucester and the bridge over the North-

west, is now under the supervision of Mr. Andrew Grant, Fishery Warden. In his district there have been collected taxes from the following persons:—

BURNT CHURCH AND NEGUAC.

Robert Loggie.....	50	fathoms.	
Peter Loggie.....	50	do	
Alex Loggie.....	600	do	in different sets.
John Anderson.....	250	do	
George Loggie.....	600	do	
Wm. Simpson.....	70	do	
P. Morrison.....	200	do	
Hugh Ross.....	180	do	
B. Ross.....	150	do	
Ammon Ross.....	180	do	

OAK POINT.

John Buoy.....	250	do
James Davidson, Esq.....	250	do
Alex. McKinnon.....	150	do
Duncan Morrison.....	250	do
D. Morrison.....	250	do
Alex. Buoy.....	70	do
R. McDonald.....	65	do
Geo. Smith.....	65	do
J. Ennis.....	65	do
J. Grant.....	70	do
Francis Russell.....	65	do
John Grant.....	60	do
Wm. Gordon.....	65	do
John Currie.....	65	do
Wm. Loggie.....	65	do
Wm. Clark.....	65	do

Now when we reflect that there are three establishments, kept continually employed during the fishing season in putting up salmon for the market, and that the quantity cured in this district, made an aggregate of 159,000 lbs., we can easily observe that a great many fishermen have escaped taxation by curtailing their nets within the rateable length. The fishermen of Portage Island, who reap more benefit from the salmon being protected than any others, have during this season not contributed anything to aid in securing that protection upon which not only their profit, but the very existence of the salmon depends. In any law to be made, *all nets* should be taxed. No doubt the fairest manner of levying a tax upon the fishermen for the protection of the fisheries should be based upon the actual catch of their nets, but this cannot be fairly carried out, in consequence of the impossibility of getting a fair statement of the numbers taken.

The North-west Bridge is situated but a short distance from the mouth of this branch. In the regulations that apply to this district, included in Nos. 5, 6, 7 and 8,, there is a clause that provides: "No net shall be set within four rods of the bridge on either side of the North-west River, and no seine shall be drawn within 40 rods below, and 20 rods above the said bridge on either side of the river." I would suggest that the former portion of the clause which relates to set nets should be continued under any law that may be adopted, and that the latter be retained if seines are to be permitted at all.

From all I could observe or learn, I am forced to believe that there is no system of fishing, at present carried on, more injurious to the fisheries of this country than *seining*. It is well known that small fish cannot escape from the seine after being encircled in it. The larger fish in endeavoring to escape drive the smaller fish ashore as the seine is drawn in. In fact a seine is practically only a movable weir, which allows nothing to escape.

There are two or three *seining* grounds above the bridge, where large quantities of bass and gaspereaux are annually taken, together with these fish there must be a large number of *grilse* and trout, which are frequently larger than the fish the seines are intended to take, and which would not be caught in the ordinary salmon net. From the seines, therefore, the salmon fishery must suffer to an extent that it now can ill afford. It will



therefore be a matter of grave consideration whether these seines should not be strictly prohibited, if they are permitted, weirs might as well be allowed, as the principle is the same, and is attended with the same injurious results.

From the bridge, until the head of the tide is reached, the length of the nets in the different localities is distinctly stated in the District Regulations.

When I visited this locality Mr. Jeremiah O'Sullivan, the Warden, had just made a few seizures of nets for violation of the law relating to length. The parties who owned them, not content with the length allowed by law, were in the habit of attaching a *tail*, from five to ten fathoms, to the end of their bar net, coursing it with the line of the river. Of this the Warden could take no cognizance. During the night, however, they were accustomed to lift the killock that confined it to its course, and carry the tail on a line with the bar net, thereby securing an undue advantage over their neighbours above, in violation of the law. Several cases of this kind were detected while I was in the vicinity. I was also informed that many parties carried out nets beyond their pickets, by sinking them two or three feet below the surface. Nets have been set here for catching grilse, and large numbers of them have found their way to the fish preserving establishments. The owner of one of these informed me that great numbers of them had been offered to him during the season. Many parties had come to him, who were willing to supply salmon if the contract would include all the grilse they might bring. Whilst at Red Bank, near the head of the tide, I was informed by a credible person that he had seen two or three barrels of salmon a few days before, all of which had been taken with the spear.

There is an Indian encampment at this place, from which can be seen nightly, spearing parties setting out on their unlawful work. I witnessed one night not fewer than seven torches in different parts of the river.

Many of the fish caught upon the North West are sold to a fish preserving establishment on the south branch of the Mirimichi. The rest are disposed to Messrs. G. A. Willard and William S. Brown, the former has, during the season, put up 20,000 lbs., the latter about 16,000 lbs. by the hermetically sealing process.

After leaving the tideway, and directing my course up the stream, I found the most flagrant and daring violations of the law. At different places I found the stakes reached altogether across the stream, and those that did not were, for the most part, in direct violation of Section 1, General Regulations, which provides that no net shall extend more than one third across the main channel. The river at the time of my visit was extremely low, and the fishermen assigned this as a reason why the nets appeared to be unlawfully set. They informed me that after a rain I would find they did not exceed the bounds prescribed by law. Whether this is the case or not I had no opportunity of afterwards observing, but can only say that in future all nets should be kept within the prescribed limits at all states of the river. There is no doubt that many nets are set from shore to shore. Complaints of this nature were more than once made to me, and I am only surprised that a single salmon can find its way to the spawning grounds. At several places where the nets seemed to meet the legal requirements, I found from the outside stakes, to the opposite side of the shore, stones placed in a row as if to turn the fish in the direction of the net. The nets legally set are usually to be found upon *rapids*, where there is no *channel* distinctly marked, and the parties avail themselves of this fact to generally take up one third of the river.

For years past, parties from the North-west have been accustomed to cross the Portage to the Nepisiquit, and take large number of salmon and grilse from that river; but from all I could learn they had not made a visit to it up to the time I was up the North-west. I heard, however, that the same parties were then up the Little South-west, where they had nets set, from which river they occasionally made a raid upon the Renous, a tributary of the Main South-west. One or two families on this river seem to have acquired a local reputation for fishing illegally. One of the sets of stakes which I observed across the stream had been placed there by a member of one of these families, and the fishermen along the river seemed to throw all the blame of breaking the laws upon them.

I was informed that it was no unusual thing for parties to go upon the spawning grounds of the small streams that flow into the river, drive the fish into the pools, and then sweep them out with nets. Only a few seasons, since two spearing parties loaded their canoes so full, that being unable to propel them over the shallows, they cut out the bellies of the

fish and left the rest to rot. I observed signs of spearing throughout the whole course of the river, and at many houses saw all the implements employed in this illegal practice openly exposed to view. The settlers as well as the Indians seem to consider spearing as one of their rights, and practice it in defiance of the law, although they agree in declaring that salmon are annually getting scarcer. Their principal excuse is, that they are not fairly dealt with, on account of the length of nets permitted at the mouth of the harbor.

This district is altogether too large for one Warden to protect effectually. From the head of the tide, to the source of the different streams which empty into the North-west, would fully occupy one man's attention during the fishing season, and close time. At present it is impossible for the Warden to do anything. If he goes up the river, the parties below fish illegally, and so complete are the arrangements between the poachers, that their companions are notified of his approach, long before he makes his appearance. The fishermen, allied by common interest, watch the Warden far more closely than he can them.

During winter serious injury is done to the bass fishing upon this river by scooping them. This fish is brought to market of all sizes, and the consequence is that during late years they have not been as plentiful as they were formerly. I am, however, forced to admit that more injury is done to the fishery by seines in summer than by scoop nets in winter.

On the Sevogle, one of the branches of the North-west, I found only three nets, all of which, at the time I was there, seemed to be legally set. Of one, however, I heard serious complaints from the fishermen. On account of the lowness of the water on the Little South-west, I could not proceed far up that stream. From enquiries made at Red Bank, and other places, I learned that the same system of netting and spearing is pursued as upon the North-west.

The following list shows the names of parties owning nets from the North-west bridge to the source of the river, including its tributaries. After leaving the head of the tide, the nets are of different lengths and almost all below the rateable length.

FROM BRIDGE TO HEAD OF TIDE.

Hy. Vye (3 sets),  
A. Towser,  
P. McIlwland,  
John Goodfellow,  
Richard Lawlor,  
John Chaplain,  
Edmund Hubbard,  
George Sutherland,  
John McTavish,  
Hugh Currie  
Joseph Lawlor,  
David Walsh,  
Patrick Gilles,  
Wm. Mullins,  
John Nowlan,  
Wm. Burns,  
John Howe,  
Robert Forsythe,  
John Mennis,  
T. Taylor,

J. McIntosh,  
Joseph Godfellow,  
Thomas Hill,  
Patrick Keys,  
David Goodfellow,  
Thomas Mullins,  
J. Chaplain,  
Alex. Leech,  
John Simpson,  
Thomas Lawlor,  
Hugh Gilles,  
Wm. Johnson,  
Wm. McAlister,  
Joe Joe (Indian),  
David Ellison,  
Wm. Leech,  
Wm. Mennies,  
John Rodgers,  
B. McKinnon.

MAIN NORTH-WEST.

Wm. Ellison,  
R. Kingston,  
J. Rolph,  
Wm. Copp,  
F. Peabody,  
J. Matchett,  
J. Ryan,  
Thomas Mullin,  
Peter Hyland,

J. Kingston,  
R. Mullin,  
Wm. McCoomes,  
John O'Shea,  
Murdoch Sullivan,  
James Fitzgerald,  
Thomas McGibbon (3 sets),  
James Johnson,  
J. Matchett,

## LITTLE SOUTH-WEST.

J. Estey,  
R. Hill,  
J. Blackmore.

R. Holmes,  
Wm. Hyland,

## SEVOGLE.

J. Estey (2 setts),

John Hare.

Upon all these streams there are excellent stations for angling. I would therefore recommend that the Sevogle be set apart as a nursery river, and leased for the purpose of angling, which prosecuted fairly can never injure the fisheries to any degree. I have named the Sevogle on account of there being fewer nets on that stream than on any other, although for spawning purposes it is not equal to some. All these streams will require more than ordinary watching for a few years to restore them to anything like their former state. The fishermen agree in stating that every year salmon are becoming scarcer, and nearly all employ the surest possible means to exterminate them altogether. The best means of restoring the river would be to assimilate our fishery law to that existing at present in Ontario and Quebec. Until this be done, I am convinced that the decrease of salmon will yearly become more apparent. At present the best protection the fish receives results from heavy freshets that sweep timber and rubbish into the streams, so as to prevent fishing entirely, and allow the salmon to proceed to the different branches of the stream, urged on by the powerful instinct of procreation. I feel confident that this alone has done more to prevent the extermination of salmon than anything else.

One of the standing complaints among the fishermen on the North-west, arises from the fact that the outside fishermen, and in fact most of those who use float nets in fishing seem privileged from observing section 8 of the General Regulations, which provides for the weekly close time. From all I could see and learn, I am convinced that this portion of the law seems to be carried out along the North-west, and affords one day at least in the week for the fish to proceed upwards.

In the General Regulations, section 10, owners of nets are permitted to leave the stakes, upon which their nets have been stretched, remaining in the river for ten days after the fishing season has ended. My opinion is that the time is altogether too long. So long as stakes are allowed to stand so long will nets be attached to them. I think that in any future law 48 hours only should be allowed to withdraw all fixtures.

Mr. Venning having inspected the south-west branch of the Miramichi, I did not proceed up that stream, although it formed a portion of your letter of instruction to do so. From the mouth of the north-west branch of the Miramichi, there are on the south side of the river but few good fishing stations until you reach Middle Island. Occasionally seining for gaspereaux is prosecuted at Canadian Marsh and Nelson, both places being well adapted for that purpose. From Middle Island until you arrive at Point Escumiac, there is an uninterrupted succession of salmon nets. At Black Brook there is an establishment for preserving fish, owned by A. D. Sheriff, Esq., which annually puts up 20,000 lbs. of salmon. At Point-aux-Car, there is an establishment owned by Alex. Loudoun, Esq., where large quantities of salmon are smoked, the rest being put up in cases hermetically sealed. This establishment preserves and smokes upwards of 32,000 lbs., each season. At all the places where salmon can be taken, from Point-aux-Car to Fox Island, there are nets for their capture. A few are set off Bay du Vin Island, but the greater portion of the fishing is from the mainland. In Bay du Vin there is a large oyster bed, which has not been much injured by raking on account of the depth of the water. The oysters taken here are the best to be found in the Miramichi, being large and well flavored.

At Fox Island, Alexander Loudoun, Esq., has a large establishment, where he preserved, by the hermetically sealing process, during the season, 48,000 lbs. of salmon. At a short distance A. D. Sheriff, Esq., has another establishment where he cases upwards of 64,000 lbs. of salmon annually. On Fox Island some of the salmon nets stretch into the sea, 300 fathoms from the shore. This is a great cause of complaint by those fishing, farther up the river, who declare that the greatest injury to the fishing interests is committed upon Fox and Portage Islands. I am strongly of the opinion that no net should be allowed to extend for more 200 fathoms from the shore. All the nets in this district are

set with killocks, which are not required to be lifted upon Sunday, this provision in the law gives the fishermen who use killock nets an undue advantage over those stationed farther up the river. This portion of the law should be altered at once, and the fishermen who use killocks should be compelled to loop up their nets from Saturday night to Monday morning. There is no doubt that this would entail a little extra trouble upon the fishermen, but in justice to parties who use picket nets, as well as in justice to the interests of the river, some such provision in the law is absolutely necessary. Portage and Fox Islands offer the best fishing stands in the bay or on the river, and by far the greatest quantities are taken at these places. The fishermen there may be said to control the river and to monopolize the fishery. It seems to me that in some way those parties who derive the greatest benefit from the fisheries of the river, should contribute largely to their protection. I am decidedly of opinion that the Government should assume their right to control all fishing stands, and that in any general law adopted for the regulation of the fishing of the Dominion, provision should be made by leasing these at a fair price, or perhaps the best mode would be to offer them to public competition, after starting with a fair upset price. Along the shores of the island, and upon the main land, great quantities of lobsters can be taken.

The District Regulations in Nos. 5, 6, 7 and 8, read thus:—"No net whatever to be set off any Island, middle ground or shoal in the Bay, Harbour or River Miramichi and its branches excepting as hereinafter permitted;" in the exceptions made I cannot find any clause that applies to Fox or Portage Island, and must therefore conclude that the fishing upon both islands is carried on in direct violation of the present law, so that in regulating nets at these localities no injustice would be done to those who have hitherto been reaping a large harvest by open violation of the present law. At Point Escuminac there is an establishment for preserving fish, owned by Thomas Fleigher, Esq., who probably preserves 10,000 lbs. of salmon and the same quantity of lobsters. Lobsters, along this shore, can be got in almost any quantity at the cost of 60 cts per hundred. The rivers upon the south shore of the Miramichi are Napan, Black and Bay du Vin Rivers. The former at one time was an excellent salmon stream, and a few fish still resort to its waters during the spawning season; it will require many years of careful guardianship to restore its old reputation as a salmon river. Black river is not now frequented by salmon, but trout are still abundant. The Bay du Vin River was formerly considered to be one of the best streams upon the main river for salmon, but a mill-dam now prevents them from ascending to their old haunts, and few are now to be found in any part of the river. Great quantities of bass, herrings and gaspereaux, can be taken along the coast from Escuminac to Napan bay. From the complaints that I heard when on the North-west, I was disposed to think that a great deal of illegal fishing could be discovered in this district, but I am happy to state that with the exception of the length of the nets upon Fox Island, and the use of "swing" nets upon Portage Island, that the outside fishing is as fairly conducted as possible, and that no injury to the fishery results from their mode of prosecuting it.

Their Warden for this district is Mr. Amos Perley, who informed me that there were twenty sets of nets in his district under 50 fathoms, and that the parties owning them refused to pay any taxes. The following persons own the nets from Nelson to Escuminac together with those upon the islands which paid taxes.

## ESCUMINAC.

James McLean.....	100 fathoms.
Thomas Flaglor.....	90 do
Michael Bransfield.....	50 do
R. McLean.....	50 do
Joseph Lewis.....	90 do

## FOX ISLAND.

Robert Noble & Son.....	400 fathoms, 2 sets..
John Noble.....	300 do
Peter Loggie.....	150 do
Luther Williston..	270 do
Alex. Loggie.....	270 do
W. & L. Williston.....	600 do different sets.

## HUCKLEBERRY ISLAND.

Alex. Mills .....	250	fathoms.
John Mills .....	150	do

## BAY DU VIN.

Thomas Ryan.....	75	do
James Taylor .....	100	do
Thomas Carrol.....	110	do
Alex. Taylor.....	100	do
D. McLeod .....	150	do
Luther Williston.....	390	do
W. & L. Williston ..	500	do
John Williston .....	150	do
Robert Loggie .....	100	do

## NAPAN BAY.

Francis Loggie.....	270	do
Benj. Sweezy .....	100	do
George Taylor.....	200	do
Alex. McDonald.....	110	do
Robert Russell.....	240	do
Finlay McDonald.....	300	do
James Chapman.....	200	do
James Loggie.....	250	do
Mrs. McDonald .....	100	do
John Gunn.....	100	do

## BLACK BROOK.

Alex. Murdoch .....	80	do
George Sweezy.....	110	do
Philip Savoy .....	90	do
William Forrest .....	58	do
Alex. Manderson .....	59	do

## REMARKS.

1st. There should be one Inspector of Fisheries for the Province of New Brunswick, to whom the Wardens upon the different Stations should be compelled to make Monthly Reports of all violations of the Fishery Law, Returns of all moneys paid in as taxes, and of all other matters pertaining to their duties.

The greater portion of the money devoted to the protection of the Fisheries should be employed in engaging active Wardens, to serve upon the branches of the different rivers above the head of the tide, where the greatest injury is done to the fishing.

In the tide-way, the duties of a Warden are, comparatively speaking, of no importance, when contrasted with those who are stationed upon the small branches. With the exception of over-netting among the islands in the Restigouche, and the use of swing nets at Portage Island, on the Miramichi, I feel convinced that the salmon-fishery in the tide-way of the different rivers has not been injurious to the interests of this portion of our national wealth.

2nd. As long as excessive netting is permitted upon the branches of the different rivers, so long will it be found impossible to protect the Fisheries effectually. The narrow width of the streams presents a temptation to the fishermen, not often withstood, to carry his net from shore to shore. It is a question for grave consideration whether the time has not come for prohibiting all net fishing in the rivers above tidal waters. Either this measure, or some very important restrictions, will eventually become necessary to save the rivers from depopulation.

3rd. At present nothing more is required than a strict observance of the *weekly close time*—to this there should be no exception; all nets and weirs, and engines of all kinds, should be compelled to observe it.

The fishermen employed along the sea-coast and the mouths of the different rivers invariably use the killock and float nets; and these, according to our present law, are not compelled to observe the close time on Sundays. By this privilege being granted to these nets, no free passage is allowed to the salmon upon that day. This gives the outside fishermen a great advantage over those who fish in the river and set their nets upon stakes. In any law to be made in future for the protection of salmon, a provision should be made to compel those who use the killock and float net to "loop up" their bar net opposite every "tail," or at least in every three fathoms. I know it will be contended that, on account of the roughness of the sea in many places along the coast, it would be impossible to compel the observance of any imperative law to loop the nets; but there can be no doubt that, on every Saturday when the fisherman can visit his nets, he could likewise loop them.

The present law, which permits the owners of stake nets to allow their stakes or pickets to remain in the river for ten days after the fishing season has ended, should be repealed in all future laws. A great deal of illegal fishing could be prevented every season were a heavy fine exacted from the owners of all stakes not removed within forty-eight hours after the close season sets in.

4th. Swing nets should be prohibited. Fortunately, they seem to have only a local adaptation, and are not used, except in one locality. In justice to the fishermen above Portage Island on the Miramichi they should not be allowed, as they are only a worse form of the drift net, which is not permitted to be used in harbours by the law of New Brunswick.

The same prohibition should likewise extend to seines used in any of the rivers, as no fish can escape from them, although the mesh of the seine be sufficiently large to allow two-thirds of the fish taken to escape through it. The stationary trap is not more injurious to the fishing interest than the use of the seine.

5th. All nets should start from the shore, and none should be allowed to be set upon any middle ground, bar nor shoal, or in the small branches of the river; nor should nets be allowed to be set upon the "rapids" of the small streams above the tideway.

6th. No nets, in any location, should be allowed to exceed 200 fathoms in length.

7th. The capture of trout, by means of nets, should be prohibited, as large quantities of grilse are taken with them, greatly to the injury of the salmon fishery.

8th. Wardens should be invested with power to destroy all nets, canoes or spears, in the possession of any person found violating the law. Such power would remove a difficulty complained of by Wardens, that they have frequently to carry nets, &c., a long distance to the place of sale, where they can find no person willing to bid against the party from whom they have been seized, and who generally buys them at a nominal figure.

9th. The provision found in the present law of New Brunswick, that compels the fishermen upon the Pokemouche River to set the net parallel with the line of the stream, should, until the stream be restored, be a portion of any law that may be introduced.

10th. All fishing stands should be put up to public competition, starting with a fair upset price.

## APPENDIX.

To the Honorable P. MITCHELL,  
Minister of Marine and Fisheries.

SIR,—After due provision is made for the protection of the Inland and Coast Fisheries, there yet remains much to be done, in order to place this branch of our National wealth in its proper position.

It will be observed from my former Report that certain fish are not taken in as large quantities as they might be. Along the north shore of New Brunswick, almost any quantity of herrings could be captured in the spring season. In former times, such was their abundance, that they were actually used as manure upon the land; the low price that is now paid for them in the American market, to which they were formerly exported, has not been sufficiently remunerative to lead to any great extension of the Herring Fishery. From various circumstances that have come under my notice, I am inclined to think that this low price does not result from the want of markets, but from the slovenly way in which

our fish have, as a general rule, been handled before leaving our shores. There is no denying that fish have been thrown upon the American market almost unfit for food, from the careless and reprehensible manner in which they have been cured. Sometimes the barrels contain huge stones, placed in them to add to their weight, and thus the character of our fish, which, when taken from the water, are inferior to none in the world, is greatly depreciated, and the trade injured; and this has been done with the brand of a New Brunswick Inspector placed upon them.

I would respectfully suggest that a more stringent inspection be enforced, both of fish and fish oil, to which end a Supervisor of Inspectors of cured fish should be appointed, whose duty would be to see that the Inspection Laws were properly enforced, and that no fish unfit for the market received the official seal.

This duty could be advantageously combined with that of the Inspector of Fisheries, at trifling additional cost, and could not fail to be attended by the most beneficial results.

I would also respectfully suggest that, in such districts as required the appointment of Inspectors of cured fish, the District Overseers could, with advantage, perform this duty, and thus the necessity of a large staff of officials in connection with the Department could be obviated, and a due economy would be secured.

That some general measure of this nature is absolutely necessary to the development of our fishing resources I am convinced, from the numerous complaints that came to my knowledge during my tour of inspection; and I consider it my duty to call attention to the subject, in order that some remedy may be applied to remove the cause of them.

I understand there is such a law in Canada, and I think its provisions might, with great advantage, be extended to the Lower Provinces.

Hoping that all defects may be excused, in consideration of the shortness of time to which I was limited, and regretting the paucity of statistical information, which it was next to impossible to obtain in so hurried a tour, I respectfully submit the whole to your consideration.

I have the honor to be,  
Your obedient servant,

P. MILLER.

CHATHAM, October 15, 1867.

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# APPENDIX.

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## MR. JOHNSTON'S REPORT.

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MARINE AND FISHERIES OFFICE,  
Halifax, Nova Scotia, 19th Feb., 1868.

To the Honorable P. MITCHELL,  
Minister Marine and Fisheries, Ottawa.

SIR,—In compliance with your instructions, I have the honor to submit to you a hastily prepared report upon the present state of the River Fisheries of this Province. I regret that the time at my disposal would not admit of a more extended examination of the rivers; but the state of those described will serve to show how great the necessity is for a more stringent enforcement of the existing laws, and for the enactment of such additional ones as are necessary to protect those nurseries of our coast and harbour fisheries.

The deplorable condition to which many rivers, formerly resorted to by myriads of fish, have been reduced is not overstated. The law in force in this Province, leaving to the Sessions the appointment of Wardens of River Fisheries, has been of little practical value, as these officers, even when appointed, have seldom attempted to carry out the provisions of the statute. Under any circumstances the appointment of Local Overseers without a Chief Inspector, who can devote the necessary time and attention to visiting personally the different localities, seeing that the law is enforced, will not avail much to the real protection of the river fisheries.

In this Province the importance of protecting fish, which resort to rivers to spawn, and upon which the coast and harbour fisheries in a great measure depend, is entirely underrated. In consequence of the ignorance which exists on the subject, most people look upon any interference with their mills, or with their assumed right of taking the fish which Providence sends to their doors, in any way and at all times, as arbitrary and tyrannical. They do not realizeth at obstructions placed in the way of fish resorting to their spawning grounds, or the destruction of large numbers while there, involves the destruction of myriads, and tends to the speedy extinction of the species resorting to them. Consequently their sympathies are more in favor of the violators of the Fishery Laws, than of the officers charged with enforcing their provisions.

The fisheries on our coasts are an important branch of Provincial industry, which is yearly increasing in extent and value. These depend almost wholly upon the protection afforded to the fish in the nurseries in which they are spawned and bred; and no policy can be more short-sighted, or more to be deplored, than that which allows these invaluable resources to be sacrificed to the temporary convenience of the mill-owner, or to the cupidity and ignorance of the settlers on the banks of our rivers.

All through our Province the very names of many of our rivers, in which a salmon is now rarely seen, are memorials of the consequences of this short-sighted policy, which failed to protect them, till the mischief was irretrievable. In many others, the same cause is rapidly leading to the same end, but it is not yet too late to prevent their entire destruction by judicious legislation and stringent enforcement of the laws.

Among the causes which have led to this depopulation of our rivers, the chief are mill-dams without fish-passes, spearing on the spawning grounds, and illegal netting in



all places where nets can be set. The following result of an inspection of the rivers described, will more fully show the extent of these evils.

*Liverpool River* is a large stream which empties Lake Rosignol, into which flows a number of smaller streams fed by numerous lakes. It is one of the best nurseries for migratory fish in the Province, and formerly both it and its tributaries swarmed with salmon and gaspereaux, but at present these fish are cut off from their old haunts by several mill-dams, all without fish-passes. A few of both species still annually come to the foot of the lower dam, where they soon fall a prey to the spearer. The immediate erection of passes in these dams, and the strict prohibition of netting and spearing for several years would doubtless restore this river to something like its former condition.

The owners of these dams are said to be men who, from their position, should be the conservators instead of the violators of the laws. One is or was a Member of the Legislative Council, and another a Magistrate and formerly a Member of the House of Assembly.

*Port Maitway* is the longest River in the Province, its head waters being in Annapolis County. There are numerous dams across it, and although they are without fish-ways, the necessity of their being opened to admit the passage of logs now to be found only on its upper waters, enables quite a number of salmon and gaspereau still to ascend it, but overnetting in the harbour keeps down the increase, and more judicious regulations, as well as suitable fish-passes in the dams are necessary to restore its former myriads.

*Petit Rivière* is not as its name would seem to imply, an insignificant stream. It empties many lakes, but flowing through a flat country, its course is sluggish. It is obstructed by numerous dams, many of them now useless. Formerly vast quantities of gaspereau spawned in this river, and salmon in considerable numbers frequented its waters. The few fish which now resort to it are netted in the harbour, and nothing will save it from utter depopulation but immediate passages in the dams, stringent regulations as to netting, and a due observance of *close time* in the harbour.

*La Have River*.—This is a stream of considerable magnitude, broken by numerous rapids and falls. On the main stream are many dams without passes, and illegal netting is carried on to a ruinous extent, consequently salmon are becoming very scarce, but shad and gaspereau still frequent it. Its western branch was formerly resorted to by immense numbers of salmon, but they are now barred by a mill-dam without a pass. About two miles from its mouth, on the eastern bank, a tributary flows into it. This is also obstructed by a useless dam, and is now deserted entirely by salmon, although formerly the Indians made it their summer retreat in consequence of the abundance of fish that used to frequent its waters.

Several rivers discharge into Mahone Bay, and all sorts of illegal netting is practised to capture the fish with which it abounds. Bag or trap nets of immense length are here used contrary to law. The first river emptying in it is

*Mush-a-Mush River*, which formerly was a famous salmon stream, and also swarmed with gaspereau, is now obstructed by numerous dams. The lower one has an insufficient pass, but it is used more as a trap than a passage, for illegal dipping is openly practised at its entrance. Both salmon and gaspereau are rapidly disappearing and immediate action is necessary to prevent its being soon depopulated.

*Martin's River*.—Old Indians state that, many years ago, this river surpassed any other on this part of the coast as a resort for fish; salmon and trout in prodigious numbers frequented it, but at present, and for some years past, it has been deserted. A dam at its mouth offered an impassable barrier to their ascent, and now nothing is found above it but diminutive trout, and these in small numbers.

Another stream to the eastward was once a favorite spawning place for gaspereau, which resorted to it in immense shoals, but this too is completely barred to their ascent by a dam without a pass.

*Gold River* is one of the few streams in this Province which is not in some way obstructed. On this river the timber has been exhausted, and no dams now exist in its

lower reaches. Above the first falls there is one mill, but the dam is passable, and fish continue to ascend to its head waters. Were it not for over netting at its mouth, and for all kinds of poaching in its head-waters, this river would be one of the best in the Province.

*Middle and East Rivers*, the two last of any importance that flow into Mahone Bay, are now both deserted by migratory fish, and *Hubbart's Cove River* is in the same condition.

*Ingraham River*, emptying into St. Margaret's Bay, was once celebrated for its salmon, trout, and gaspereau. Near its mouth is a dam, but an apology for a fish-way allows the fish to pass when the water is high. Sweeping and spearing is practised in the immediate mouth of this pass and very few are allowed to escape. Higher up the river there is another dam beyond which no fish can ascend.

*Indian River*.—About eight miles from the mouth of this stream, a dam exists, but owing to the exertions of the Warden, Mr. Mason, employed by the "Fish Preservation Society," a pass has been made through which salmon can now ascend to the upper waters. But few gaspereau can pass this dam. Both species are fast diminishing in numbers, and unless better provision is made for their ascent, there is no hope of their increase.

*North East, Little East and Hosier's Rivers*, all flowing into St. Margaret's Bay, are so entirely obstructed, that they are deserted.

*Nine Mile River*, is one of the most picturesque streams in our Province. It was once a splendid salmon stream, and would be again if a pass for the fish that still frequent its lower part, were provided, through a dam about eight miles from its mouth, where the most ruthless destruction has been practised for years.

*Prospect River*, emptying into the bay of the same name, has shared the same fate from spears and nets, and the fish are fast disappearing.

*Sackville River*, flowing into Halifax Harbour, is a small stream which was once a most prolific salmon nursery, but a dam has been built across it, about six miles from its mouth, and year by year the fish have diminished in number. The efforts of the "Preservation Society" have placed a pass in this dam, and have secured a trusty Warden so that there is a good prospect that this stream may be restored.

*Cow Bay River*, flowing into the inlet of that name, was formerly a fine stream for gaspereau, but a dam prevented their ascent, and although the Society caused the dam to be cut away some years since, the river has not regained its former state.

*Little Salmon River* flows from a body of water called Lake Major; a dam formerly obstructed and almost ruined it, but a freshet having swept this away, salmon and gaspereau again frequent it. The "Society" has placed a Warden on it, and strong hopes are entertained of its being rendered a most prolific nursery.

*Big Salmon River* is a succession of lakes connected by large streams, which at last empty into Laurencetown Harbour. There are many dams across it, and it is almost deserted by fish.

*Chezetcook River* empties into the harbour of that name. There are no dams across it, but from the great facilities that exist for netting but few fish reach its upper waters. Salmon, sea-trout and gaspereau were once plentiful, but are now much reduced in numbers.

*Port Peswick River* is completely obstructed by a dam above the tide way. Immense quantities of gaspereau formerly ascended it.

*Musquadoit River* was, twenty years ago, a splendid salmon stream, but netting and spearing have reduced the number of fish to a small remnant. A short distance below this river is a stream connecting with a very large lake, which was formerly the spawning ground of shoals of gaspereau, but a dam across the stream has barred the ascent for many years, and I believe both stream and lake are deserted.

*Jeddore and Charles Rivers* are both obstructed by dams. There is an ill-constructed and insufficient pass in the latter. Both these streams formerly abounded in salmon and gaspereau, and there is nothing to prevent their restoration but neglect to enforce the law.

*Tangier and Sheet Harbour Rivers* present the same sad history. Dams, spears and nets, have almost ruined what were once fine fish rivers. A few are still caught but there is no prospect of any increase until the laws are more stringently enforced.

*Salmon, Quoddy, Ecum, Sucum and Liscomb Rivers* are all either obstructed by dams, or so illegally netted, that but few fish are now seen in them.

*St. Mary's River* is one of the largest and finest in the Province, and drains a vast extent of country, by means of its east and west branches. Formerly it was, perhaps, the very best River in Nova Scotia for salmon and gaspereau. There is a dam on the main stream, but the branches are both obstructed. Netting and spearing, and no regard to close time, have reduced the river to a very low state, and from the manner in which both nets and spears are now used, it would seem that the object of the inhabitants is to exterminate the last first as soon as possible. It is much to be desired that measures should be taken to protect this river.

The state of things above described in the rivers on the southern side of the Province is a fair picture of those on the northern side, and there is little doubt that the failure of the coast fisheries, and the consequent destitution of all engaged in them may be attributed in great measure to the deplorable state of these nurseries which produce the food of our salt water fishes, and attract them to our shores. We are now suffering the consequences of past neglect, and so long as the present state of our rivers continues, the consequences will become more and more serious. Immediate steps are absolutely necessary to remove the evils which exist on almost every river in our Province, and I would respectfully submit that among the measures adopted, the following suggestions receive consideration:—

1st. The immediate placing of fish-ways in all dams which now obstruct the passage of migratory fish;

2nd. The appointment of paid Wardens properly qualified and sworn in, who shall have power of summary action to enable them to perform their duty effectually;

3rd. The appointment of an Inspector to whom the Wardens shall be responsible for the faithful performance of their duty; to whom they must make a full report of all their doings, with such information as will show the state of the district under their guardianship. This officer should be, *ex officio*, a Magistrate, so far as the enforcement of the Fishery Laws are concerned, and should furnish a full yearly Report of the state of the river fisheries of the Province.

#### COAST AND DEEP SEA FISHERIES.

Nova Scotia occupies the first place among the Provinces of the Dominion in the extent and value of her Sea Fisheries, and her exports far exceed those of all the other Provinces combined. For the last three years these have amounted to nearly \$3,000,000 annually. These fisheries are pursued along the whole coast line of the Province, on the nearest banks, and to a great extent in the Gulf of St. Lawrence. The banks extending along the Nova Scotia coast from St. Mary's Bay to the Bay of Fundy, eastward to Cape Canso and along the coast of Cape Breton, and which runs out into the ocean for a distance varying from five to twenty miles, have a depth of from five to fifty fathoms. These banks are the feeding grounds of cod, herring and mackerel. Besides these there are others at a greater distance from the coast, among which the most important are St. George's, Le Havre, Sable, Sambro, Canso and St. Pierre Banks.

The vessels engaged in these fisheries vary from 25 to 100 tons, and average about eight men each. The fishing on these banks for cod commences about the 1st April, and continues till the middle of June, when the vessels proceed to the Gulf of St. Lawrence, the Bay of Chaleurs, the coast of Newfoundland and Labrador. The following remarks of Capt. Fortin, are highly complimentary to the enterprise of our fishermen:—

"Every year the coasts of Canada are visited by from 250 to 350 fishing schooners from Nova Scotia, and by from 200 to 300 fishing schooners from the United States from the spring to the autumn, in well equipped vessels, busily employed taking our finest fish;

and we find them afterwards with those very fish, competing with us in foreign markets, and almost always successfully."

Herring and mackerel frequent the whole of the Atlantic coast, and the shore fishery is carried on in boats. In the cod and haddock fishery, whale boats and undecked sail boats, manned by two, three or four men, are used, and pursue their labours at various distances from the shore, often as far out as fifteen miles. In ordinary seasons these shore fisheries are a most important and valuable portion of Provincial industry, and gives employment to all the inhabitants residing near the shores.

In the Bay of Fundy these shore fisheries are more or less pursued along the whole coast, and cod, haddock, hake, pollack, and herrings are taken in large quantities.

On the shores of the Basin of Minas are three banks or ledges, called from their distance from the shore, three-mile, five-mile, and nine-mile ledges. On these there are from 30 to 60 fathoms of water. The best fishing is in June and July, but often continues until the end of September.

Annapolis Basin has long been famous for its cod, pollack, hake, haddock and halibut, and they are taken all the year. In this basin the small herrings called "Digby Chickens" are taken in vast quantities, and when properly cured are much prized. Mackerel, lobsters and shrimps abound in the basin, and there are extensive beds of scallops and clams on the flats. The principal fishery of the basin, however, is for herrings, which are taken in brush weirs, and vast quantities, too small for curing, are pressed for oil, which is worth about 60 cents per gallon.

It is a question of some importance whether governmental supervision of the sea and coast fisheries would be attended by any permanent advantage to this important branch of our industry. There are some practices which, doubtless, have an injudicious effect upon these fisheries, and it is much to be desired that they could be prevented, but any restrictions would be looked upon as a hardship by those who are wholly dependent upon this branch of industry for their subsistence.

With regard to taking fish out of season it would, perhaps, be almost impossible to enforce any regulations to prevent this practice, but it is highly desirable that their capture during the spawning season should be prevented.

Respecting fishing with the "bull-tow" or set-lines, upon which innumerable hooks are suspended, there seems to be such a conflict of opinions that it is difficult to decide whether it is injurious or not. The preponderance of evidence would seem to countenance the opinion that it ought to be prohibited near shores and islands, say within three marine miles.

The practice of throwing over offal or "gurry" on the fishing grounds and near shores frequented by fish, is, without doubt, highly injurious, and ought by all means to be prohibited if possible.

Defects in curing greatly depreciate the value of our fish, and if this evil can be reached by an Inspection Law I think it highly advisable to enforce one, as in addition to culpable negligence actual fraud is often resorted to, and the high character of our fish when properly cured is lowered thereby. There have been strong efforts made of late by our merchants to get a stringent Inspection Law passed, but they have not been successful. There can be no doubt that a return to the system of official inspection, if properly enforced, will effectually remove the evils of fraud and carelessness. In an Appendix to the Report of the British Commissioners there are a number of memorials on this subject, which strongly recommend the continuance of the official brand upon herrings. The following is a fair specimen of these recommendations:—

"The undersigned therefore strongly recommend the Royal Commissioners for the Sea Fisheries of Great Britain, to leave nothing undone which will speedily and forever secure the official branding of herrings, and they further give it as their opinion that by so doing the interests of curers also will be better served than if the branding were abolished."

When in Halifax, in January last, Mr. Smith, the Secretary of the Department, had a conference with several merchants of this port, largely engaged in the export of fish to foreign markets. The subject discussed related principally to the advisability of having some efficient system provided for the inspection of pickled fish, and upon this point there

seemed to be but one opinion, and that was, that some arrangement for official compulsory inspection was necessary to place this branch of trade upon a satisfactory footing.

The law which is contained in the Revised Statutes of this Province may be considered as nearly a dead letter for all practical purposes. Its provisions, as regards the quality and classification of different kinds of fish are thought fully to meet the requirements of the trade, and are, I believe, substantially the same as those adopted in the United States, and proposed to the Assembly of Canada in the year 1865.

The objections to this law are twofold.

1st. That inspection is not made compulsory.

2nd. As to the appointment of Inspectors.

The advantage of a thorough system of inspection in facilitating the purchase and sale of fish, and giving to this important article a character and standing in foreign markets are sufficiently obvious; but when the use of the official brand is optional, sometimes adopted, and at other times neglected, the fish cease to possess that invariable character which will ensure general confidence, and tend greatly to enhance their value abroad. In accordance with this view it has been proposed by some to leave it *optional* with parties selling fish within the Province to have them inspected or not, as may be most convenient; but to compel the official brand to be placed on all fish exported out of the Province, while others are strongly of opinion that every barrel of fish packed within the Province, whether for home consumption or for export trade, should be obliged to undergo official inspection. In the first instance the merchant assumes the responsibility of the original purchase, and uses his own judgment as to the quality, and in the other he is guided principally by the brand.

2. The Nova Scotia law gives to the Sessions of each County the right to appoint such Inspectors of pickled fish as may be thought necessary; and this mode, experience has proved to be inoperative. The system now generally regarded as preferable, and in fact the only efficient one, is, that all Inspectors should be appointed and controlled by the Government. A number of these will be required for the different fishing districts, as well as some supernumeraries at the principal points, in order to get through all the work which a busy season might make necessary within a limited time. At the head of them should be a Chief Inspector, responsible for all his Deputies, who should give bonds, with sufficient sureties, for the proper performance of his and their duties.

As regards the remuneration of these officers, one of the two plans might be adopted: either let them depend upon the proceeds arising from a certain fixed scale of fees, as has been the case in this Province heretofore, or else have their salaries paid out of the general revenue; this last seems to be the view of most of the merchants here, though they do not propose the abolition of fees, as it would be manifestly unfair to ask the Government to contribute to so large an extent for the exclusive benefit of one branch of trade.

The following brief statement will exhibit what might be the practical working of this system, and its probable expense.

The number of packages of pickled fish exported out of Nova Scotia during the nine months ended 30th June, 1867, was 223,134. During the whole year of 1866, they amounted to 266,139 packages. It is impossible to ascertain from the published Trade Returns the nature of these packages, but they were, as I am informed, principally barrels; and, for the purposes of this calculation, I will assume that they were all of that description.

Taking the year 1866, then, as a basis, and charging the fee of eight and one-half cents, payable for inspection per barrel, according to our present law, and we have—

266,139 barrels, @ 8½ cents.....\$22,621.

This fund might be applied towards defraying the expense of the Inspectors and the Chief, and the surplus might be devoted to the protection of the Fisheries.

From all I can learn, there would be little or no objection to the payment of the fee above named, as a careful inspection will raise the value per barrel far beyond the amount of this small charge.

I presume, under any circumstances, fish coming from other countries, say from Newfoundland or Prince Edward Island, could be exported without undergoing inspection

here, as they would be sold not as Nova Scotia fish—but fish caught in Nova Scotia vessels at, say the Labrador, and brought into the Province in bulk, would of course have to be inspected when packed.

I enclose herewith copy of a Memorial, signed by a large number of our most respectable Halifax Merchants, which was presented to the House of Assembly of this Province during the Sessions of 1867, praying for the appointment of a Chief Inspector, whose salary should be paid out of the general revenue. During the same Session, twenty other Memorials of a similar character, well signed, from different parts of the Counties of Halifax, Lunenburg, Guysboro' and Cape Breton, were laid on the Table of the House. These Memorials were referred to a Committee, and, for the reasons assigned in their Report (*Appendix No. 33, Journal 1867*), their prayer was not acceded to.

These documents are valuable however, as shewing how general was the desire then for some efficient system of fish inspection.

In conclusion, I feel quite justified in stating that the adoption of some law making the inspection of pickled fish compulsory, will be hailed as a most important aid to this very valuable export trade, by a large majority of the dealers in fish within the Province.

(Copy).

*“ To the Honorable the Representatives of the People of Nova Scotia in Session assembled.*

The Memorial of the undersigned, residents at Halifax, respectfully sheweth:

That your petitioners have for several years experienced increasing difficulty in the sale of fish, in consequence of the carelessness which prevails in preparing them for market.

Your petitioners, therefore, pray, that your Honorable House will be pleased to amend the Act for Inspection of Pickled Fish, by authorizing the Government to appoint a Chief Inspector for the Province, or for each County, as may be considered best, and that the salary of such officer be paid out of the public revenue.

The Act as it now stands, vesting the right of appointing Inspectors in the Sessions of each County, is found to operate very injuriously on the character of pickled fish. Few, if any, of the Sessions have appointed Inspectors for several years, and in consequence, the law has become inoperative. Great complaints are made in the home and foreign markets, both as to the weight and quality of the fish; so much so, that in many cases the fish have to be re-weighed and re-inspected, which causes a heavy loss to fishermen and merchants.

They therefore hope, that your Honorable House will grant the prayer of their petition, and make such other amendments to the law as may be deemed best to establish the character of our fish in foreign markets.

And your petitioners will ever pray.”

I have not been able to procure any reliable statistics of the catch of the several kinds of fish, although it is highly desirable that such information should be obtained, and I would recommend that in future the attention of all Fishery Officers throughout the Province should be directed to this matter, and that they be directed in their reports to state as nearly as possible, the catch of fish of all kinds in their several districts. By this means some data will be obtained by which an opinion can be formed of the decline or improvement of this important branch of our industry.

I have the honor to be, sir,

Your obedient servant,

H. W. JOHNSTON.

## APPENDIX.

The following Memorandum on the Inshore Fisheries of Nova Scotia, prepared by request of His Excellency the Lieutenant Governor, is corroborative of the statements made in the foregoing Report, and I append it in the hope that it may add weight to the remarks I have made in the course of its pages :

In drawing up a Memorandum on the Inshore Fisheries of Nova Scotia, the following points are to be considered :—

- 1st. The present state of the rivers ;
- 2nd. The causes that have led to this state of affairs ;
- 3rd. How to remedy the existing evils, and prevent the almost total extinction of salmon, by encouraging its return to these shores.

In this Memorandum it is of course premised that the value of the salmon is known, both as an article of domestic food and for exportation. Now the habits of the salmon being the same all over the world, one may—by taking the knowledge gained in Great Britain, of the geographical nature of a country most suitable for the culture of salmon—see at a glance by looking at a map of Nova Scotia, what enormous natural advantages she possesses for the especial culture of this valuable fish ; and how nothing but the grossest ignorance and wilful neglect could have brought the rivers into their present deplorable condition.

1st. There are at least thirty rivers (perhaps more) along the south shore of Nova Scotia, the outlets, many of them, if not all, of large lakes, with estuaries as they touch the sea ; unequalled spawning grounds in their upper waters, that would yield, if properly preserved, an enormous quantity of salmon, and gaspereau ; indeed it is very doubtful if there is any country or place of similar size so advantageously placed as Nova Scotia, that could produce the same supply, nature having been so bountiful to her. Out of these thirty rivers *not one* has fair play, and in many of them the salmon has been extirpated.

2ndly. The causes which have led to this sad state of things, are the stopping of a free passage up the rivers, by *mill dams*, the ignorance of the people and a want of proper means of carrying into effect the laws of the Province made for the protection of the fisheries.

The first of these causes is the most serious, as a dam across a river, especially *near its mouth*, put up by an ignorant person, *will effectually DESTROY* it in from two to five years ; while those dams higher up force the fish on the lower spawning grounds, and into the lakes, where the fry, while small, become a prey to the large trout, and where the eggs have not one hundredth the chance of coming to maturity as those deposited in the head waters—to which the salmon's instinct naturally leads him. A strong hand should be brought to bear on this point ; for measures in this direction would not interfere with local prejudices and customs—would be popular except with the mill owners, whose business would suffer so little it scarcely deserves a thought, and it would show and perhaps convince the people that Government were in earnest in the matter, and so pave the way to overcoming ignorance, and the better establishment of the laws of the Province.

The second evil, and one difficult to deal with, for it has been established by custom and wilful law breaking, is the universal practice of illegal netting. Heretofore it has been impossible to obtain a conviction from any County Magistrate (the laws being that the nearest Magistrate should decide on any case, as above, in his vicinity), as most of the Magistrates own the nets themselves, or are mill owners, participating in the profits, as their dams prevent the fish passing up the rivers, and are generally the greatest poachers, or encouragers of poaching in the neighborhood.

*Spearing* is another method by which many salmon are taken, and many more injured. It is confined to localities, and one trusts that when the good sense of the people is turned to the preservation of so valuable a fish, spearing will be kept down by the people themselves in defence of their rights. It is, however, only a minor evil in comparison with the two former ones.

3rdly. As to the best methods of remedying the existing evils. The following remarks are only suggestive, but something must be done, as the present state of the rivers

is very bad, and each year's delay only establishes present customs more firmly in the minds of the people and so renders them harder to eradicate.

Expense should not be spared in carrying out first measures, as a few years (4 or 5) would shew to the people what legislation, properly carried out, will do for them, and laws habitually broken come into utter contempt, and are worse than none at all.

The first things to be attacked are the weirs or dams, as without a free passage up a river no legislation will ensure the continuance of salmon.

A Fishery Inspector, or two, one for the east, the other for the western section of the Province, would, in one season, make themselves thoroughly acquainted with the rivers on the south shore, and gain a practical knowledge of their capabilities for rearing salmon and the obstructions at present in existence.

Their report would at least be something to act upon, and by obtaining models or descriptions of the latest improvements from England of fish ladders and fish passes, an important change might be soon effected by their application; and the rivers free from obstacles from their mouth to their source be once more the haunt of the salmon.

A law to the effect that no mill dam or weir is to be erected hereafter without the knowledge and cognizance of the Fishery Inspector, so as to ensure a proper pass up the river, would exercise an excellent influence. As the more you do to convince the people you are in earnest as regards the preservation of the salmon the better, and steady legislation advancing bit by bit, is far better in a matter like these inshore fisheries than all the spasmodic efforts which have hitherto taken place.

*Illegal netting* is the second great evil. The existing law is good, as it confines the net to a certain length; the mesh to a certain size; and in the tideway lays down certain rules to guide the relative distance of one net from another; as also the length of the net in relation to the width of the river or estuary. *These conditions are never observed.* Every man tries to outdo his neighbor by having a longer net, and every net has an illegal end, formed by turning the end of the net back at an angle of 60°, and then back again at an angle of 90°; the trap, if one may so call it being kept open by a stick, fish work in their way along shore come to the net, run along it until they enter the trap, where they seldom get out. Some nets have a double trap, one each way.

This will be a difficult measure to deal with. You cannot count upon local support, as every fisherman along the shore practises it, and the only remedy would be to do away with the trap by law and see that it was carried out.

No fixed engine (the technical term for all stationary nets, &c.) should be allowed a bag or trap at the end, or anything by which fish could be taken otherwise than by the gills in the meshes of the net. This would serve as a check on illegal meshes, as they now use herring and old mackerel nets, which, for the smallness of the mesh, would be utterly useless.

These illegal nets have found their way into some of the rivers and do great harm, as not a salmon can get up the river, and only that the fence months end on the 15th August, and that there is a large run of fish up the river after that date, there would not be a salmon left in the country.

As before remarked, it is useless to deal locally with this evil, as you cannot obtain convictions. The appointment of a Stipendiary Magistrate holding District Courts might preserve the power of the law, now utterly disregarded; and this would be expedient from another point of view, and there is a strong feeling of hostility springing up between the country people and those living on the shores; the former affirming that as they preserve the fish in the breeding time, while in the rivers, they have an equal right to part of them.

During the past four or five years a Society has been organized in Halifax for the protection of game and fish, and its efforts deserve record, from the fact that this last year salmon were more plentiful between Chester, on the western coast, and Musquodoboit, on the eastern side, than they have been for years; and this may be mainly attributed to the efforts of the Society, who have done much by appointing Fishing Wardens, removing obstructions in rivers, and checking, with their limited means, illegal netting and poaching.

This is suggestive of what can be done, and the Society also experienced no difficulty in finding men anxious to help their cause; even to the extent of incurring odium in their own neighborhood by their acceptance of the post of Fishery Wardens.

An Inspector of Fisheries, a Stipendiary Magistrate, and a firm but judicious carrying



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out of the law, are the three things needful; and it is impossible to calculate the value which these fisheries may not arrive at, with a market—to be the United States—close at hand. This summer a speculation was made by a leading merchant of this city, by sending 300 salmon (fresh) to Demarara in a vessel loaded with ice; and, justly, one can imagine a large trade springing up of a similar nature with the Southern ports of the United States even as far as New Orleans.

It is impossible to close this paper without expressing a hope that, under the Central Government, a new era of things may be inaugurated, and that waste, ignorance and wilfulness, may give way to preservation, and the observance of law. And whatever is done, the quicker the better. So that by next spring or summer, a free passage up the rivers enforced.

The above remarks are necessarily confined, as the subject is an extensive one. Its object will be secured, however, if any information is, through these pages, afforded to the authorities, both as to the present state of the rivers, and as to some of the means for restoring them to a proper state.

Mention has been made of the rivers on the south shore only, but these remarks apply to the whole Province, as salmon frequent every river; and everywhere is the same sad answer: "Oh, yes, we had plenty of fish ten or fifteen years ago, but the mill-dams have driven them all away!"

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# A P P E N D I X .

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## SPECIAL REPORT

ON THE

### DISTRESS AMONG THE NOVA SCOTIA FISHERMEN.

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MARINE AND FISHERIES OFFICE,  
Halifax, Nova Scotia, 19th February, 1868.

The Honorable PETER MITCHELL,  
Minister of Marine and Fisheries, Ottawa.

SIR,—In accordance with a telegram received from Mr. Whitecher, requesting me to report upon the nature, causes and extent of the failure of the inshore fisheries of this Province during the last year, I beg to submit the following brief statement of the facts and circumstances which I have been able to collect bearing upon this subject:—

The inshore fishery is carried on to a greater or less extent along the entire coast of Nova Scotia, but especially on that portion commencing at the La Have River, in the County of Lunenburg, stretching east to Cape Canso, and northerly up through the Strait of Canso, into George's Bay, and along the southern and western coasts of Cape Breton. This fishery is generally pursued with nets, and a very large population depend for their living almost entirely upon its proceeds.

Along the western coasts the population do not rely so much on the shore fishery, the land being generally more suitable for cultivation, and the fishermen, more frequently than to the eastward, engage in the deep sea fishery on the Banks.

For many years the inshore fishery has been pursued with varying success. During some years the catch of herring, mackerel, cod, &c., has been such as to place the fishermen in comparatively easy circumstances after a few months' work, while in others a scanty supply has reduced them almost to poverty. From the sterile nature of the soil along a great part of the coast, the fishermen rely but little upon agricultural pursuits for a livelihood, in fact their principal support for the year is drawn from a few months' labor. Such a system as this can be productive of only evil results, nine months of comparative idleness and only some three months' work during every year can scarcely conduce to the formation of habits of thrift and industry, and so the general result, as proved by experience, seems to be that no matter how bountiful the harvest gleaned from the sea may be this year, if the next should be unproductive, but a scanty supply has been laid by for its necessities.

Not many years since the shore fishery was abundant and lucrative, seldom decreasing so greatly as to cause much actual want, but with late years this branch of industry has fallen off to an alarming extent, and a failing fishery around the shores seems to excite no surprise. The causes of this failure (which during the last season has been almost total), can only be theoretically stated, but the observation of experienced persons indicate several reasons of considerable importance in producing this unfortunate result.

The mackerel net fishery is chiefly pursued along the shores of Guysboro, Antigonish, Halifax and Lunenburg Counties and the shores of Cape Breton. Formerly the fish, early in the month of September, commenced moving slowly from their feeding grounds in the Gulf, in a southerly direction, skirting the shores I have named, and occupying some six

or eight weeks between their appearance and final departure from any particular bay or cove along the coast, thus affording the fishermen ample time to secure an abundant catch; now, however, they seldom make their appearance until later in the season, and then are hurrying southward to their winter haunts, remaining but a short time along the shores, and if the weather should be stormy the nets are frequently lost, and the great proportion of the fish pass by uncaught.

Persons living along the shore generally attribute this delay of the fish to the presence in the Gulf of the large fleet of upwards of a thousand sail of fishing vessels; from each of these is thrown over quantities of choice bait, attracted by which the mackerel delay their progress southward for probably a month or more later than their usual time, thus bringing them on our shores in November, a month noted for violent gales and stormy weather, when their capture becomes much more hazardous and difficult.

The prevalence of high winds from the northward has, without doubt, a tendency to drive the fish far out into deep water, beyond the limits of the net fishermen, and, as I am informed, these winds were very frequent during the time last year when the mackerel should have made their autumn visit.

Another and very important reason for the gradual failure of the fishery may be found in the diminishing supply of bait afforded by our rivers and streams, the sad havoc caused among the gaspereau and other fish which formerly resorted in such vast quantities to our shores, by the erection of mill-dams across so many of our best rivers, without sufficient fish passages, has already been brought fully under your notice in previous reports on the subject of river fisheries; there can however be no doubt that for this reason our coasts now cease to afford, so greatly as they used, the necessary attraction in the way of bait to induce the mackerel to remain long around our coves and harbours, and thus by the destruction of our river fisheries a double injury of no ordinary magnitude is inflicted.

With regard to the cod fishery I find a general impression among the fishermen that the set line or bultow system of fishing is fraught with the most disastrous consequences, as by this means the mother fish are caught while lying on the bottom in the breeding season full of spawn, and the actual destruction is by no means represented by the number of fish taken.

The failure of the inshore fisheries last autumn appears to have been nearly a total one, while the deep sea fishery did not yield nearly so large a return as usual. As I before mentioned in the western parts of the Province, including Queen's, Shelburne, Yarmouth and Digby Counties, the inhabitants of the shore do not rely entirely upon this shore net fishing for a livelihood, they are generally in possession of small vessels in which they pursue the bank fishing: but even here I learn there is very considerable suffering which is not restricted to the fishing population but extends to small farmers and laboring men, and is the result of a failing crop last year, and the want of sufficient employment.

Along the shores of Halifax and Lunenburg Counties, few if any mackerel were taken last fall. The following extracts from a letter addressed to me by a gentleman residing at Cape Canso, who is largely engaged in fishing operations, will give some idea of the extent of the failure in Guysboro County:—

"The deficiency of catch of fall mackerel, in Chedabucto Bay, during the fall of 1867, cannot be less than 15,000 barrels, which at a low average price of ten dollars per barrel amounts to \$150,000; of herrings the short catch will be not less in quantity, and if I were to say one-half more it would be perhaps nearer the mark; but taking the first figure as a deficiency of a catch from Cape Canso, including Chedabucto Bay, west to Beaver Light, a distance of sixty miles (west of that I have no reliable information), and placing them at the low price of three dollars per barrel, we have from these two kinds of fish alone the sum of \$195,000 that our eastern shore fishermen (leaving entirely out the east and west coasts of Cape Breton,) are short producing for 1867. Now, add to this the almost entire failure of some other kinds of fish, not so generally known abroad but of much value at home, dog fish in particular, of which in 1867 there was a total failure, no one boat producing \$1 worth against \$10 as an average for many years past, which with a large falling off in cod, haddock, spring and summer mackerel and others of less note, we have, at the smallest possible computation, a further deficiency of \$50,000, making in all an aggregate \$245,000 to be borne by this class of men, and the parties who supply them in the shape of debts unpaid on the one side, and privation and denial of the common

necessaries of life, such as bread, molasses, tea, coffee, meat, and the common kinds of clothing on the other side."

Whatever aid is now given in the way of purchasing provisions, &c., can only be of a temporary character, and except some radical change occurs in the mode of life of these men it is by no means improbable that destitution to a greater or less extent will recur every few years, when from any cause an insufficient catch may take place. It is exceedingly difficult to suggest any means for the permanent remedy of this unfortunate state of affairs. The class of men who are maintained by the shore fisheries, are, as a general rule, very poor, and many of them largely indebted to the merchants who supply them. The land on which they live is, in the majority of instances, rocky and sterile, and incapable of cultivation beyond the raising of a few vegetables and a supply of hay for their scanty stock; then, as I have before remarked, the principal means of their support is the result of a few months' labour, and during the winter months they are mostly unemployed, and thus a great portion of the year is rendered entirely unproductive; this would not be the cause of such evil results if the produce of these few months of labour was as certain and as great as it formerly was, but with the present frequent short catches and the want of other remunerative employment, distress and want to a greater or less extent seem almost inevitable.

The conclusion from these facts seems forced upon us, that the inshore net fishery, *per se*, is quite insufficient to provide for the necessities of those engaged in it, and the question then arises:—Is this to be entirely abandoned as an industrial pursuit, and if not, under what circumstances can it be profitably pursued?

The shore fisheries of this Province will be a remunerative field of industry when they can be combined with the deep sea fishery on the banks, and when employment of some nature or other can be provided during the winter months.

The great obstacle at present to our shore fishermen engaging in the bank fisheries is the want of capital to purchase suitable vessels and to provide a sufficient outfit—they live from hand to mouth, and are seldom in a position to lay by anything—under these circumstances the purchase and equipment of vessels is a matter of impossibility. I would respectfully suggest in this connection whether, in case the Government intend taking any step in this matter, it would not be of great advantage as a means of permanent relief to furnish proper vessels to certain numbers of fishermen at different parts of the coast, at the smallest cost price, and to extend the period of payments over a series of years, and in this way bring the purchase within the probable means of the fishermen. It might be objected that this course would involve a large outlay in the first instance, and that great difficulty and frequent jealousy would arise in the selection of localities and persons. This might, however, be obviated by a gradual introduction of the system, a few vessels in one year and a few the next, until the payments for the first coming in would prevent further advances, while the vessel being purchased by companies of fishermen, while it made the individual payments easier, would tend to keep down any feeling of jealousy.

Another plan might be the adoption of the system of bounties. This subject is already so familiar to you that I need only mention it—the following extract from a letter received from Mr. Hart, a gentleman engaged in fishing operations at Port Mulgrave, Strait of Canso, bears upon this subject:—

"Believing, as I do, that the net mackerel fishery has become so expensive and so uncertain as to be yearly a losing concern to those engaged in it, and that assistance would but prolong that evil, while I look upon the line mackerel fishery in vessels as a mine of wealth capable of any expansion under favorable circumstances, I look to the encouragement of the latter branch as the only sure method by which to afford a permanent remedy to both branches, as it will undoubtedly absorb the former class as it expands.

"The disadvantages to Nova Scotia owners, however, are just now so great that a very short continuance of them will sweep the fleet from the waters, principal among which are bait, American duty, and last and greatest, men.

"The pogie, the only real mackerel bait, is not caught east of Portland and must all be imported for our fleet, the increased cost of which, added to the American duty the fisherman has to pay on his share of fish, besides charges of transportation, place him in the position that if he catches during the season to his own share 40 barrels of mackerel in one vessel, he has not made as good a season by about \$100 gold as if he had been in an

American bottom. This to a labouring man is a large sum and represents one quarter of his yearly income from all sources, to a crew of 14 men it would be \$1,400, add owner's share, \$1,400 more, and we have \$2,800 less proceeds than in American bottoms.

"It follows that the American owners have the first pick of the Nova Scotia fishermen to man their fleet, while to us is left the lame and lazy; anything then that will tend to place the men who man our fleet on a fair footing with those who man the American fleet, will be striking at the root of the evil, and will check the process yearly going on, which is culling our smart and intelligent fishermen into a foreign fleet and navy, and furnish lucrative employment to a large and worthy class of men now dragging out a miserable existence, mending old nets in every creek on our coast."

The abrogation of the Reciprocity Treaty, and the imposition of a heavy duty on Nova Scotia fish entering United States markets, have discouraged many of our merchants from fitting out so large a number of vessels for the fisheries, and has in the case of several firms, of which I have personal knowledge, caused a very large decrease in the number they had actually employed.

How far a system of bounties would have the effect of altering the present state of affairs, would, I presume, depend largely upon the amount granted being sufficient to counteract the effect of the duty exacted in the States. The discussion of this topic would however, open up subjects into which it is not my province to enter.

If vessels could not be provided with which the shore fishermen can pursue the deep sea fisheries during the winter months, possibly some employment might be found to occupy this long period of their leisure. Net making or mending at present engages a portion of their time, but this is only for their own requirements and not for market. The merchant can import nets cheaper than they can be made by the fisherman, and so there is no encouragement for this branch of industry. The following extract from a letter from the Rev. Mr. Ambrose, of St. Margaret's Bay, in writing to me under date 20th January, while it exhibits the destitution among the shore fishermen in his vicinity touches also upon the subject of net-making as a remunerative employment for the winter:—

"Line fish, *i. e.* those taken with the hook, were scarce last season, but the net and seine fishing exhibited an almost entire failure; our fishermen, in debt for their spring supplies, had thus no opportunity of discharging their liabilities, and in consequence were, many of them, refused supplies of provisions and clothing by their merchants in the autumn, these sold their few fall fish for a barrel or two of flour, but were unable to purchase winter clothing. The barley and potato crop having failed, this short supply of provisions is now consumed, and several families have eaten their seed potatoes, turnips and grain, and are now utterly destitute and not half clad, many living in barren, rocky places, travel long distances to carry their fuel on their shoulders. I have, since New Year's day, been striving to support some of them, and it is pitiful to discover every day fresh instances of whole families, with helpless children, living on one scant meal perhaps in the twenty-four hours, and to see the sick, as I did last Tuesday, near Dover, without provision of any kind but boiled salt codfish. I know several families who have had no bread of any kind, and not even potatoes for many days, and this state of things will largely increase with the next month, and yet but little complaint is made by these suffering people, but earnest entreaties for employment come to me from every side. Knowing that the amount likely to be raised in Halifax would not be sufficient for the destitute along the whole shore, I advertised, asking for net-twine from the merchants more than a month ago, so that these people, old and young, might at once engage in the manufacture of fishing nets, in which they are very skilful, for I dreaded for them the demoralization of begging, and they themselves were most unwilling to ask for what they called 'charity flour.' The merchants would lose about \$5 per cwt. on this mode of manufacturing nets compared with the price at which they can be imported from Great Britain; but this loss the Central Aid Committee in Halifax expressed themselves ready to make up to the merchants; one cwt. of twine at 25 cts. per lb. for netting would yield to these poor people \$25, and furnish the country with a much better description of net than the imported one. But time has slipped away, starvation has come, no netting has been provided, and now if the people are to be relieved, as they have already been at Prospect and elsewhere, it must be done at a far less economical rate than that pointed out by me. Almost every day for the last month I have had fishermen to see me, all the way from Shad Bay, round

the outside coast and St. Margaret's Bay, as far as Birchy Head in Lunenburg County, seeking twine to net, but I had none to give. If the twine had been sent in time, \$5 from the Central Aid Committee would thus have provided \$25 worth of the necessaries of life to the work-people. Those who lived farther up the bay, where wood can be had, could support themselves by sending juniper fence posts and pickets like those around Hon. Dr. Tupper's place in Halifax, if a market had been obtained for them as I requested.

"The great want here is remunerative employment during the winter. The fish strike in at certain times between May and November, and these times do not amount to more than three months all put together. No man can be expected to support a family twelve months on the earnings of three, and it would not be a desirable mode of living, in a moral point of view, if he could. Poverty and a want of thrifty habits will therefore be the rule among our shore fishermen, until steady winter employment be found for them. If nets, like other manufactured goods paid a duty of 15 per cent., whilst twine, rope and other fittings were allowed to come in duty free, the manufacture of nets would at once form a source of remunerative winter employment for our fishermen and their families."

In conclusion, I beg to append copy of a Report of a Committee of the Local Legislature, on the subject of the distressed fishermen of the Province, with a statement of the tunds available for their relief, and the manner in which they have been distributed among the several counties where destitution is known to exist.

I have honor to be, Sir,

Your most obedient servant,

H. W. JOHNSTON.

## FISHERMEN'S RELIEF.

The Committee appointed by the House of Assembly of Nova Scotia, on the subject of the distressed fishermen of that Province, beg leave to report as follows:—

1. That they have had a conference with the Committee of Halifax citizens, appointed for a like purpose, and it has been mutually agreed that out of the present available funds of seventeen thousand dollars, or thereabouts, they shall receive as the fair proportion for the County of Halifax, the sum of Four Thousand Dollars; and that of future contributions one-fifth shall be paid over to the said Committee.

2. The Committee recommend that the sum of five thousand dollars should be appropriated out of the General Funds of this Province for general distribution.

3. The Committee, after careful examination and enquiry, are satisfied that there exists, at the present time, among the fishing population of the Counties of Digby, Yarmouth, Shelburne, Queens, Lunenburg, Halifax, Guysborough, Antigonish, Richmond, Inverness, Victoria and Cape Breton, great and wide spread distress and destitution.

4. Your Committee are also satisfied that this distress will rather increase than diminish, from the present date till the first day of June next; and that, unless extensive and permanent arrangements be made, many may perish from starvation.

5. The Committee are, therefore, of opinion that there is an urgent necessity, not only for relief from the Provincial Authorities, but for a loud call upon the charity and generosity of the citizens of this and the neighboring Provinces.

6. The Committee recommend that a suitable Board be appointed by the Government in each of the above counties to take charge of, and distribute, the relief so provided.

7. The Committee have thus partially reported, and beg leave to recommend that

five hundred copies of this Report be published for general distribution; and that the substance of this Report be forwarded by telegraph for publication in this and the neighboring Provinces.

All which is respectfully submitted.

JOHN K. RYERSON,  
H. BLANCHARD,  
M. B. DESBRISAY,  
J. A. KIRK,  
URBAIN DOUGETT,  
SAMUEL FREEMAN,  
JOSIAH HOOPER,  
ALONZO WHITE,  
JOHN ROSS.

COMMITTEE ROOM,  
Halifax, February 14th, 1868.

### THE DISTRESSED FISHERMEN.

The Committee of the House of Assembly on this subject had a conference with a Committee of the Citizens in the City Council Chamber on Friday forenoon, and in the afternoon they reported to the House that the sum at present available for relief was seven-teen thousand dollars. They recommend that four thousand dollars be placed in the hands of the Committee of Citizens for distribution in Halifax County, and that one-fifth of all future contributions be placed in the hands of the same committee—the balance to be expended in the Counties of Digby, Yarmouth, Shelburne, Queens, Lunenburg, Guysborough, Antigonish, Richmond, Inverness, Cape Breton and Victoria, by Boards to be appointed by the Government. The Committee also recommended that the sum of five thousand dollars be granted out of the general funds of the Province for the relief of the prevalent distress. This report was adopted. On Saturday the Committee made a second report relative to the division of the amount.

There is now available the sum of.....	\$17,000
And the Provincial grant.....	5,000
	<hr/>
Making a total of.....	\$22,000
Of this there is payable to the Halifax Committee, per first report.....	\$4,000
And one-fifth of Provincial grant.....	1,000
	<hr/>
	5,000
	<hr/>
Leaving a general fund of.....	\$17,000

Which the Committee recommend to be divided in the following manner—the amounts to be handed to the various Country Boards as soon as possible, and accounted for to the Government:—

Digby.....	\$1,900
Yarmouth.....	2,000
Shelburne.....	1,500
Queens.....	1,200
Lunenburg.....	1,800
Guysborough.....	1,750
Antigonish.....	650
Richmond.....	1,700
Cape Breton.....	1,400
Victoria.....	1,400
Inverness.....	1,700

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**\$17,000**

# RETURN

To an Address of the HOUSE OF COMMONS, dated 16th December, 1867; For  
Statements of Affairs between the Government and the Bank of Montreal,  
from the 1st August, 1866, to the 1st December, 1867.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 11th March, 1868.



AMOUNT at credit of the Government of Canada, &c., at the Bank of Montreal, from all sources except Provincial Notes, on the 1st of each month, from the 1st August, 1866, to the 1st December, 1867, inclusive, and the Average Balances during each of the said months.

1866.	CANADA.	NOVA SCOTIA.	NEW BRUNSWICK.	Average Balances.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
August.....	846,067 31	.....	.....	990,000 00
September.....	1,032,549 69	.....	.....	1,500,000 00
October.....	1,015,051 90	.....	.....	1,000,000 00
November.....	1,042,020 65	.....	.....	500,000 00
December.....	171,451 61	.....	.....	900,000 00
1867.				
January.....	1,025,187 93	.....	.....	600,000 00
February.....	387,474 69	.....	.....	360,000 00
March.....	436,745 28	.....	.....	900,000 00
April.....	1,382,271 03	.....	.....	1,500,000 00
May.....	1,644,183 91	.....	.....	1,040,000 00
June.....	1,131,415 56	.....	.....	1,100,000 00
July.....	668,651 68	.....	.....	430,000 00
August.....	550,679 40	.....	.....	730,000 00
September.....	971,504 89	.....	.....	1,630,000 00
October.....	1,864,973 08	376,999 93	264,707 55	2,270,000 00
November.....	1,764,954 74	250,653 07	270,751 52	2,750,000 00
December.....	2,460,130 81	367,614 82	358,912 76	.....

T. D. HARINGTON, D. R. G.

EXCHANGE purchased of Bank of Montreal, between the 1st August, 1866, and the 1st December, 1867, with dates, terms and rates.

Date.	Terms.	Rates.	Amount.
			£ s. d.
1866.			
August 24.....	Sight.....	11 percent.....	8,000 0 0
September 3.....	60 days' sight.....	8½ ".....	100,000 0 0
" 10.....	" ".....	" ".....	100,000 0 0
" 13.....	" ".....	" ".....	60,000 0 0
" 14.....	" ".....	" ".....	60,000 0 0
" 21.....	" ".....	" ".....	40,000 0 0
October 22.....	" ".....	9½ ".....	50,000 0 0
" 29.....	" ".....	9½ ".....	50,000 0 0
November 9.....	Sight.....	11½ ".....	985 0 8
" 9.....	60 days' sight.....	10 ".....	50,000 0 0
" 12.....	" ".....	" ".....	50,000 0 0
" 28.....	Sight.....	12 ".....	12,200 0 0
December 3.....	60 days' sight.....	10½ ".....	230,000 0 0
" 14.....	" ".....	" ".....	70,000 0 0
1867.			
February 2.....	Sight.....	12½ ".....	13,364 14 11
" 6.....	" ".....	" ".....	613 16 1
March 21.....	" ".....	10½ ".....	2,746 8 0
April 25.....	" ".....	11 ".....	3,001 13 11
May 7.....	" ".....	11½ ".....	557 13 4
June 4.....	" ".....	11½ ".....	100 13 5
" 5.....	" ".....	12 ".....	344 11 8
" 7.....	3 days' sight.....	11 ".....	100,000 0 0
" 14.....	60 " ".....	10½ ".....	250,000 0 0
" 27.....	3 " ".....	11½ ".....	7,881 12 0
July 17.....	Sight.....	" ".....	10,000 0 0
August 21.....	" ".....	12 ".....	97 10 0
" 22.....	" ".....	11 ".....	4,218 6 7
October 28.....	" ".....	11½ ".....	48 15 0

T. D. HARINGTON, D. R. G.

STATEMENT of the Provincial Note Account, Receiver General's Issue Account, and the Receiver General's Specie Reserve Account with the Bank of Montreal on the 1st day of each month, from August, 1866, to December, 1867, inclusive, pursuant to the Address of the House of Commons to His Excellency the Governor General, bearing date the 19th December, 1867.

Date.	Amount of Notes in circulation.	Amount of Notes on hand.	20 per cent. Specie Reserve on Notes in circulation.	Issue Account.	
				To credit of Receiver General.	To debit of Receiver General.
1866.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
August 1st.....	nil.	nil.	nil.	nil.	nil.
September 1st.....	"	"	"	"	"
October 1st.....	"	"	"	"	"
November 1st.....	2,163,000 00	777,000 00	432,600 00	1,730,400 00	
December 1st.....	7,451,000 00	3,245,000 00	490,200 00	423,300 00	
1867.					
January 1st.....	2,936,000 00	5,752,000 00	587,200 00	411,500 00	
February 1st.....	3,117,000 00	6,377,000 00	623,400 00		93,900 00
March 1st.....	3,085,700 00	6,085,000 00	617,140 00		118,940 00
April 1st.....	3,033,700 00	5,659,000 00	606,740 00		160,540 00
May 1st.....	3,099,700 00	5,365,000 00	619,940 00		107,740 00
June 1st.....	3,193,700 00	5,159,000 00	638,740 00	198,400 00	
July 1st.....	3,113,700 00	5,213,000 00	622,740 00	134,400 00	
August 1st.....	3,444,693 00	4,861,000 00	688,938 00	399,195 00	
September 1st.....	3,268,693 00	4,962,000 00	653,738 00	258,395 00	
October 1st.....	3,385,693 00	4,810,000 00	677,138 00	357,995 00	
November 1st.....	3,979,693 00	4,573,000 00	795,938 00	827,195 00	
December 1st.....	3,888,242 00	5,080,000 00	777,648 00	754,034 00	

MEMO.—The above are the figures as they stood on the Wednesday before the 1st of each month. The Bank of Montreal furnishes weekly returns every Wednesday.

T. D. HARINGTON, D. R. G.

STATEMENT of the Amount paid or payable by the Government to the Bank of Montreal for the Surrender of its Circulation, and the Amount paid as Cost of issued or unissued Notes of Bank, and the Amount paid or due as Commission upon Provincial Notes in Circulation, from 1st August, 1866, to 1st December, 1867.

Compensation paid for surrender of Circulation for 12 months ended 2nd October, 1867, at 5 per cent per annum. (Paid every six months).....	\$ 100,355 90
Cost of Issued 'Legal Tender Notes' and Express charges.....	\$ 15,960 81
Commission paid upon Provincial Notes in Circulation, during the year ended 2nd October, 1867. (Paid every three months).....	\$ 29,846 60

T. D. HARINGTON, D. R. G.

**RETURN** of total Amount of Provincial notes placed in possession of the Bank of Montreal, and the Amount of Provincial Debentures exchanged by the Bank for Provincial Notes, from 1st August, 1866, to 1st December, 1867.

Temporary Legal Tender Notes.....	\$3,000,000.	(29 and 30 Vict., caps. 10, 5, 15.)
Provincial Notes .....	\$3,410,000.	(These Notes were not sent at once, but as received from the engravers.)
No Debentures exchanged by the Bank for Provincial Notes.		

**RETURN** of Amount of Debentures, and where lodged, to provide Funds for the redemption of Provincial notes, from 1st August, 1866, to 1st December, 1867.

Amount.—\$3,000,000, lodged with the Receiver General.

T. D. HARINGTON, *D. G.*

**RETURN** of all Expenses or Charges in preparing “Provincial Notes,” and of the Amount of remuneration paid or due to Commissioners under Provincial Note Act, and all charges to the Government for Signing, Stamping, or Marking Notes of Bank of Montreal to identify them as Provincial Notes, from 1st August, 1866, to 1st December, 1867.

Amount paid for Engraving, &c .....	\$	99,010 96
do Bank of Montreal, Express Charges, &c.....		975 20
do do for Initialing “Legal Tender Notes,” &c.....		300 00
do do for Countersigning Provincial Notes,” &c .....		914 25
Amount paid Commissioners, to 3rd August, 1867.—18 months,—6 at \$400 each.....	\$	1,800 00
do do 3 do to 3rd November, 1867, do.. ...		600 00
Total.....	\$	2,400 00

T. D. HARINGTON, *D. R. G.*

[No. 1412.]

OTTAWA, 9th March, 1868.

SIR,—I have the honor, by direction of the Receiver General, to enclose you Return to an Address of the House of Commons, dated 16th December last, applying for Statements relating to the Provincial Note Act, and Balances, &c., and Exchange Transactions with the Bank of Montreal. This Address was received on the 17th December, and the Legislature was adjourned on the 21st of that month. There was consequently no time to prepare the Return before the adjournment. I return the Address, and have the honor to be,

Sir,  
Your obedient Servant,

T. D. HARINGTON,  
*D. R. G.*

The Honorable H. L. LANGEVIN,  
*Secretary of State, &c.,*  
Ottawa.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 9th December, 1867; For a Statement of Sums paid and Sums still due to Township Municipalities in Lower Canada, as Seigniorial Indemnity.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 11th March, 1868.

STATEMENT No. 57 (page 87, part 2) of the Public Accounts for 1866, and Statement No. 57 (page 83, part 2) of the Public Accounts for 1867, shew in detail the sums paid to the several Township Municipalities in Lower Canada, in compensation for Seigniorial Indemnity up to the 30th June, 1867.

The Statement last mentioned also shews the sums due to such Municipalities on the 30th June, 1867; and the following is a list of the Payments made on account thereof, between the 1st July and the 31st December, 1867, viz:—

MUNICIPALITIES.	Amount paid.	MUNICIPALITIES.	Amount paid.
	\$ cts.		\$ cts.
St. Barnabé.....	280 62	<i>Brought forward.....</i>	3,515 74
Hinchinbrooke.....	260 25	Huddersfield, Cawood, Aberford, Clap-	1,315 00
Dudswell.....	370 87	ham, Stanhope, and Pontefract.....	193 75
Aylmer Village.....	158 00	Harrington.....	889 00
Hull.....	371 00	Percé.....	73 62
Lochaber.....	209 00	Godmanchester.....	211 00
Buckingham.....	240 00	Hunterstown.....	652 50
do Village.....	117 00	Chenier.....	912 87
Masham.....	176 00	Hemmingford.....	159 83
Wakefield.....	92 00	Matane.....	553 25
Eardley.....	100 00	Escoumains.....	545 25
Templeton.....	264 00	Hébertville.....	314 00
Ripon and Hartwell.....	89 00	Roberval.....	197 62
Aylwin.....	34 00	Tadousac.....	2,409 42
Lowe.....	81 00	Dunham.....	176 88
Portland.....	42 00	Do Village.....	963 90
Wright.....	36 00	St. Armand, East.....	160 13
Bouchette.....	40 00	Frelighsburgh.....	124 00
Hincks.....	26 00	Ste. Gertrude.....	414 67
Cameron.....	23 00	Warwick.....	170 64
Northfield.....	20 00	Do Village.....	
Weedon.....	486 00		
<i>Carried forward.....</i>	<b>\$3,515 74</b>	<i>Total.....</i>	<b>\$13,953 07</b>

JOHN SIMPSON,  
Assistant Auditor.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 18th May, 1868; For a Statement in detail of the Sums appropriated for the current quarter and year, separately, to the several Emigration Agents at Quebec, Montreal, Toronto, Kingston, and Hamilton, for Emigration purposes.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 14th May, 1868.

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## RETURN

To an Address of the HOUSE OF COMMONS, dated 9th December, 1867;  
for Correspondence with the American Bank Note Company, or any other,  
relating to the engraving of Government Notes.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 11th March, 1869.

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AUDIT OFFICE, December 19, 1867.

SIR,—I have the honor to enclose Copies of Documents asked for by an Address from the House of Commons, of December 9th:—

(1). Letter from J. E. Gavit, Esq., President of the American Bank Note Company, embodying an agreement made verbally with him at New York by the Auditor.

(2). Letter from the same explaining part of the previous letter.

The rest of the correspondence with the American Bank Note Company only relates to orders, from time to time, given in stamps, notes, &c., and has no relation to the terms of the agreement.

(3). Tender of the British American Bank Note Company.

(4). Report of the Board of Customs, Excise and Stamps thereon.

(5). Order in Council passed on the above report.

(6). Report of the Board of Customs, Excise and Stamps upon the tenders of the Company and schedule of prices attached, and Order in Council passed thereon.

(7). Report of the Board of Customs, Excise and Stamps upon the proposed contract with the Company.

(8). Letter from the President of the British American Bank Note Company, asking for an extension of the proposed contract.

I have the honor to be,

Your obedient servant,

JOHN LANGTON,  
*Auditor.*

The Hon. H. L. Langevin,  
Secretary of State.

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AMERICAN BANK NOTE COMPANY,  
New York, August 25th, 1866.

DEAR SIR,—Referring to your proposals to this Company, under date of 21st inst., in reference to the plates already engraved for the proposed issue of Provincial notes, and in

accordance with the verbal arrangement made subsequently by yourself as the representative of the Government of Canada and myself on the part of this Company, I beg to submit, for the official approval of your Government, a detailed statement of the said arrangement, and which I beg of you to have ratified as early as possible in order that the work shall be furnished without delay.

It is agreed on the part of this Company that the plates shall be prepared for the use of the proposed issue of Provincial notes, viz., 8,000,000, and whatever further amount that may be required, and shall be furnished to the Government of Canada at the rate of \$600 for each face-plate and \$250 for each back-plate, and to be re-touched for one-half the original cost. The number of impressions to be printed from each of the plates before re-touching to be 25,000 and after re-touching 20,000 after which the said plates are to be cancelled by this Company or its representative, and (quoting from your proposals) "The plates will always be in custody of an officer of Government," and it is "pledged on behalf of the Canadian Government that no use shall be made of the plates excepting to take off impressions, and that any additional copies of the plates which may be required for this issue beyond those now to be furnished, shall be furnished by the American Bank Note Company."

The terms of payment to be \$600 and \$250 respectively in *gold*, subject to a deduction of one-half the current rate of exchange. The plates prepared for fractional currency for the Government of Canada, to be paid for by the Government, and to be subject to the same conditions if used, as heretofore enumerated, or to be cancelled if not required for future use.

It is further understood and agreed, in accordance with our mutual arrangement, that all plates heretofore engraved by this Company for the use of the Government of Canada, are to remain in the possession of this Company, and all work required from the same is to be executed by this Company, until the proposed Confederation of the Provinces shall take place, at which time all of said plates are to be cancelled.

Awaiting the official sanction of your Government.

I am, Sir,

Yours very respectfully,

(Signed,) JOHN E. GAVIT,  
*Vice-President.*

John Langton, Esq.,  
Auditor, &c.,  
Ottawa, Canada,

AMERICAN BANK NOTE COMPANY,  
New York, September 1st, 1866.

SIR,—I beg to acknowledge the receipt of your favor of the 29th ult., ratifying the agreement entered into between Mr. Langton and this Company, the terms of which were embodied in my letter of August 25th.

In order to remove any ambiguity in the clauses referred to in your Letter, I quote from the written proposal submitted by Mr. Langton under date of Aug. 21st, and accepted by this Company, viz.: "I propose, therefore, that the American Bank Note Company shall make such alterations in the existing plates, as shall adapt them to the present scheme, and that they shall prepare a sufficient number of plates to strike off the contemplated issue of eight millions of dollars." The last clause in my letter of August 25th should have excepted the plates now being prepared for your Government; it was clearly understood that they were not to be included in the agreement guaranteeing to this Company the printing from all plates heretofore engraved by the Company for the Province of Canada.

I am, Sir,

Very respectfully,

Your obedient servant,

(Signed,) JOHN E. GAVIT,  
*Vice-President.*

Hon. W. P. Howland,  
Acting Minister of Finance,  
Ottawa, Canada.



## REPORT OF THE BOARD OF CUSTOMS, EXCISE AND STAMPS.

OTTAWA, August 10th, 1866.

The amalgamated Companies, under the name of the British American Bank Note Company, have put in a tender for Government work, which is herewith submitted.

This tender differs in many material respects from those previously made by Messrs. Matthews & Smillie, and Messrs. Burland & L'Africain.

They now tender to do all Government work at the rates heretofore charged, or so low as the price of material and compensation of artistic skill can justify. Even putting out of the question the vagueness of the last words, which really amount to no price at all being fixed. The original tender of Messrs. Matthews & Smillie proposed to do all work at 20 per cent. below the prices of the American Bank Note Company, and that of Messrs. Burland and L'African proposed 25 per cent. below those prices. Even if the tender were satisfactory otherwise in respect to price, the Board is of opinion that a comparison with the rates of the American Bank Note Company would be an inconvenient way of fixing this important element in the contract.

The Board has therefore called upon the Company to submit a detailed schedule of prices, at which they are willing to execute the work.

2. The tender of Messrs. Matthews & Smillie contained another important provision, which is altogether omitted in the present tender, viz. :—that they guaranteed each plate to strike off 25,000 impressions before re-touching, and 15,000 afterwards. As the cost of plates is from \$100 to \$500, according to style of execution, some such provision is desirable.

3. The present tender seems to stipulate that the Government should provide a building at Ottawa free of cost, which was not asked for in the previous tenders.

4. This tender, as well as both the former ones, stipulate that the machinery shall be admitted duty free. This proposition seems a fair one.

The present tender, however, as well as the former one of Messrs. Burland & L'Africain, stipulates also for the free admission of materials. As the Company proposes to do business for the Banks and others, the Board does not think that this exemption should extend to the paper and materials.

Until some modification is made in the terms offered, the Board is not prepared to recommend that the Government should enter into a contract with the Company, but as the necessity for preparation being made for performing Government work is very pressing, and if any contract is made in Canada, it would be very desirable that it should include the work now to be undertaken; the Board would recommend that the Government should make a proposition upon which they will enter into a contract, viz. :—

*First.*—The Company shall execute all Government work in Canada, either at Montreal or at Ottawa, as the Government may determine, employing a staff of skillful artists in all their various branches.

*Second.*—The work shall be under the supervision of such Government Officer or Officers, as may from time to time be appointed for that purpose.

*Third.*—The Government shall have the right to reserve to itself the exclusive use of any die upon paying for it.

*Fourth.*—The work shall be in every respect fully equal to that heretofore supplied from other sources, and charged for upon a schedule of prices to be agreed upon, the basis of which shall be that the total cost of the work shall not exceed that heretofore charged, or the present current rates of the American Bank Note Company.

*Fifth.*—The Company shall guarantee that each plate shall give 25,000 impressions before re-touching, and 15,000 afterwards, excepting where the patent green is used, when the number of impressions guaranteed shall only be 10,000.

*Sixth.*—The Government shall have the right to use, for cancelling stamps and for all other purposes required, the patent colors, for which Messrs. Burland, L'Africain & Co., have the exclusive right.

*Seventh.*—The Company shall introduce, from time to time, any improvements in the arts of engraving and printing which experience may shew to be of value.

*Eighth.*—The Government will admit all necessary machinery duty free.

*Ninth.*—The contract to be for—years, and the schedule of prices to be subject to revision from time to time.

R. S. M. BOUCHETTE,  
*Chairman.*

The undersigned humbly submits the within Report to the favorable consideration of the Council.

10th August, 1866.

A. F. BELLEAU,  
*R. G.*

*Copy of a Report of a Committee of the Honorable the Executive Council approved by His Excellency the Governor General in Council on the 16th August, 1866.*

On a Report from the Board of Customs, Excise and Stamps, dated 10th August, 1866, submitting a "tender" from the amalgamated Companies, under the name of the British American Bank Note Company, for the engraving and printing of Notes, Debentures, Postage and other Stamps for a period of ten years,—the Board reports that this tender differs in many material respects from those previously made by Messrs. Matthews & Smillie and Messrs. Burland & L'Africain.

1. That they now tender to do all the Government work at the rates heretofore charged, or as low as the price of material and compensation of artistic skill will justify. That even putting out of the question the vagueness of the last words, which really amount to no price at all being fixed, the original tender of Messrs. Matthews & Smillie proposed to do all the work at twenty per cent. below the prices of the American Bank Note Company, and that Messrs. Burland & L'Africain proposed twenty-five per cent. below those prices.

That even if the tenders were satisfactory otherwise in respect to price, the Board is of opinion that a comparison with the rates of the American Bank Note Company would be an inconvenient way of fixing this important element in the contract.

The Board has therefore called upon the Company to submit a detailed schedule of prices at which they are willing to execute the work.

2. That the tender of Messrs. Matthews & Smillie contained another important provision, which is altogether omitted on the present tender, viz.: That they guarantee each plate to strike off 25,000 impressions before re-touching and 15,000 afterwards.

That as the cost of plates is from \$100 to \$500, according to style of execution, some such provision is desirable.

3. That the present tender seems to stipulate that the Government should provide a building at Ottawa, free of cost, which was not asked for in the previous tenders.

4. That this tender as well as both the former ones stipulates that the machinery shall be admitted free of duty. This proposition, the Board states, seems a fair one. That the present tender, however, as well as the former one of Messrs. Burland & L'Africain, stipulates also for the free admission of materials.

That as the Company proposes to do business for the Banks and others, the Board does not think that this exemption should extend to paper and materials.

That until some modification is made in the terms offered, the Board is not prepared to recommend that the Government should enter into a contract with the Company, but as the necessity for preparations being made for performing Government work is very pressing, and as, if any contract is made in Canada, it would be very desirable, that it should include the work now to be undertaken, the Board recommends that the Government should make a proposition upon which they will enter into a contract, viz.:—

*First.*—That the Company shall execute all Government work in Canada, at Ottawa, employing a staff of skilful artists in all their various branches.

*Second.*—The work shall be under the supervision of such Government Officer or Officers, as may from time to time be appointed for that purpose.

*Third.*—The Government shall have the right to reserve to itself the exclusive use of any die or plate upon paying for it.

*Fourth.*—The work shall be in every respect fully equal to that heretofore supplied from

other sources, and charged for upon a schedule of prices to be agreed upon, the basis of which shall be, that the total cost of the work shall not exceed that heretofore charged by or the present current rates of the American Bank Note Company.

*Fifth.*—The Company shall guarantee that each plate shall give 25,000 impressions before re-touching, and 15,000 afterwards, except where the patent green is used, when the number of impressions guaranteed shall only be 10,000.

*Sixth.*—The Government shall have the right to use, for cancelling Stamps and for all other purposes required, the patent colours, for which Messrs. Burland, L'Africain & Co., have the exclusive right.

*Seventh.*—The Company shall introduce, from time to time, any improvements in the art of engraving and printing, which experience may shew to be of value.

*Eighth.*—The Government will admit all necessary machinery duty free.

*Ninth.*—The contract to be terminated at the option of either party, by giving the other six months' notice.

*Tenth.*—The dies and plates shall be in the possession and under control of the Government, and when used shall be under supervision of a Government officer, who shall keep a record of all work done.

The Committee, on the recommendation of the Hon. the Receiver General, advise that a proposition to the foregoing effect be made to the Company, and, if accepted, that a contract be entered into with the applicants as above mentioned.

Certified.

W. H. LEE.  
C. E. C.

OTTAWA, August 7th, 1866.

The undersigned having amalgamated their respective interests in compliance with the expressed wishes of the Government, and made application for "Letters Patent" of incorporation, under the name and style of the British American Bank Note Company, for the purpose set forth in the advertisement of application,—

Beg respectfully to submit proposals for the execution of all work arising out of the engraving and printing of Notes, Debentures, Postage, Excise, Bill, Law and other Stamps, for the term of ten years from the date of contract.

*First.*—They are prepared to execute all Government work in Canada, either in Montreal or at Ottawa as the Government may determine, employing a staff of skilful artists in all its various branches.

*Second.*—If desirable the work may be under the supervision of such Government Officer or Officers, as may from time to time be appointed for that purpose.

*Third.*—Whenever it is desired dies of vignettes, or lathe work, may be reserved for the exclusive use of the Government, subject to any extra cost which may be incurred in production.

*Fourth.*—The work done to be fully equal in every respect, to anything heretofore supplied to the Government and at rates corresponding to those heretofore charged or as low as the price of material or compensation of artistic skill will justify.

*Fifth.*—To that end they propose to use on Debentures and other work of a like kind, as also for cancelling Postage and other stamps, the patent colours, for the use of which in Canada and the other British North American Provinces, Messrs. Burland, L'Africain & Co. have the exclusive right reserved by Letters Patent, this being the only absolute protection against counterfeiting and altering Notes, Postage Stamps, Debentures and other Documents.

We also guarantee to introduce from time to time any improvement in the arts of engraving and printing, which experience may hereafter develop.

*Sixth.*—Should the Government require the work to be done in Ottawa, the undersigned would propose that a suitable building, free of cost be provided by the Government, and furnished with the necessary safeguards for the due execution and protection of the same.

*Seventh.*—As this project is entirely new and hazardous in Canada, and the enterprise a very expensive one, it is respectfully requested that the machinery, paper, and material of all descriptions used in the business may be admitted free of duty.

W. C. SMILLIE,  
For self and associates.  
B. CHAMBERLIN,  
For self and associates.

SCHEDULE of prices to accompany proposal to execute the Government work by the British American Bank Note Company.

		ENGRAVING.	\$ cts.
1	Plate.....	4 Bank Notes.....	500 00
1	" .....	4 Combination back, with title or denomination only.....	150 00
1	" .....	4 do with both title and denomination.....	200 00
		1 Bank Note, or single block plate.....	150 00
		1 Denominational Tint Plate for printing on face of 4 Notes, not less than...	100 00
		1 Stamp Plate, Law, Single plate.....	300 00
		1 " Bill, " .....	250 00
		1 " Postage, " .....	100 00
		Bond or Loan Certificate, of ordinary size and quantity of work, without coupons.....	400 00
		Every 20 coupons, in addition to Bon Plate.....	100 00
		And less numbers in proportion.	
		Comptrollers' or Auditors' dies.....	100 00
		All original vignettes, dies or lathe work charged according to size and quality of work.	
PRINTING.			
Plate .....	4	Bank Notes, per 1000 impressions.....	25 00
" .....	2	Or 1 " " .....	15 00
" .....	4	Combination backs, per 1000 impressions.....	20 00
" .....	2	Or 1 " " .....	15 00
		Denomination or Tint Plate on face of 4 Notes, per 1000 impressions....	20 00
		" " " of 2 or 1 Notes, per 1000 impressions..	15 00
		Typographical Red Denomination on 4 Notes, per 1000 impressions.....	12 50
		" " " on 2 or 1 Notes, per 1000 impressions.	10 00
		Postage Stamps, per 1000 Stamps.....	0 25
		Other Stamps, per 1000 impressions.....	50 00
		Bond or Loan Certificates, ordinary size, no coupons, per 1000 impressions	40 00
		Every 20 Coupons, or less number in proportion, in addition to price of printing the Bond.....	10 00
		Numbering Bank Notes, 4 numbers on a sheet, per 1000 sheets, 1 number on each Note.....	5 00
		Numbering Bank Notes, 4 numbers on a sheet, per 1000 sheets, 2 numbers on each Note.....	10 00
		Bank Note paper, per 1000 sheets of 16 lbs. weight.....	22 50
		Bond and all other paper according to size and quality.	

(Copy, No. 944.)

OTTAWA, 17th August, 1866.

GENTLEMEN,—I am directed by the Honorable the Receiver General of Canada to submit the following Proposition to you, on the part of the Provincial Government, upon which they will enter into a contract for the engraving and printing of Notes, Debentures Postage and other Stamps, with your Company.

1st. The Company shall execute all Government work in Canada, at Ottawa, employing a staff of skilful artists in all their various branches.

2nd. The work shall be under the supervision of such Government Officer or Officers as may from time to time be appointed for that purpose.

3rd. The Government shall have the right to reserve to itself the exclusive use of any die or plate upon paying for it.

4th. The work shall be in every respect fully equal to that heretofore supplied from other sources and charged for upon a schedule of prices to be agreed upon, the basis of which shall be that the total cost of the work shall not exceed that heretofore charged by or the present current rates of the American Bank Note Company.

5th. The Company shall guarantee that each plate shall give 25,000 (twenty-five thousand) impressions, before re-touching and 15,000 (fifteen thousand) afterwards, excepting where the patent green is used, when the number of impressions guaranteed shall only be 10,000 (ten thousand).

6th. The Government shall have the right to use for cancelling Stamps and for all other purposes required, the patent colours for which Messrs. Burland, L'Africain & Co., have the exclusive right.

7th. The Company shall introduce from time to time any improvements in the arts of engraving and printing which experience may show to be of value.

8th. The Government will admit all necessary machinery duty free.

9th. The Contract to be terminable at the option of either party by giving the other six month's notice.

10th. The dies and plates to be in the possession and under control of the Government, and when used, to be under supervision of a Government Officer, who shall keep a record of all work done.

I am also directed to request you to state, for the information of the Government, if your Company accepts the foregoing proposition, and is prepared to execute the contract, and commence the work required.

I have the honor to be,

Gentlemen,

Your obedient Servant,

(Signed),

T. DOUGLAS HARRINGTON,

*Deputy Receiver General.*

The British American

Bank Note Company &c., &c., Ottawa.

OTTAWA, August 17th, 1866.

The Honorable Receiver General, Canada,

SIR.—We have the honor to acknowledge the receipt of yours of this day's date, accompanying a proposition conveying terms of contract to be entered into with the British American Bank Note Company for the engraving and printing of Notes, Bonds, Stamps, &c., for the Government, and do hereby tender our acceptance of the same, and the Company is prepared at once to commence work.

We have the honor to be, Sir,

Your obedient Servants,

(Signed),

W. C. SMILLIE.

B. CHAMBERLIN.

*Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Governor General in Council on the 22nd October, 1866.*

On the recommendation of the Honorable the Minister of Finance, the Committee advised that the annexed Minutes of the Board of Customs, Excise, and Stamps, proposing

that a contract be entered into with the British American Bank Note Company, according to the terms therein set forth, and recommending and defining certain rules and regulations to be established for the superintendence, custody and disposition, of Provincial Notes, Debentures and Stamps, be sanctioned and adopted, and that a contract be entered into accordingly.

Certified.

W. H. LEE,  
C. E. C.

The Chairman,  
Board of Customs, Excise and Stamps.

*MINUTE of the Board of Customs, Excise and Stamps upon the Superintendence of the Execution of Provincial Notes, Stamps, &c.*

An Order in Council having been passed, August 16, offering certain terms to the British American Bank Note Company upon which Government was prepared to enter into a contract for the execution of Government work, in the preparation of Debentures, Notes, Stamps, &c., and the offer of the Government having been accepted by the Company, in a letter, dated August 17th, it appears advisable that a contract should be prepared and executed in accordance with the Order in Council.

A schedule of the prices at which the work is to be charged for, forms a part of the proposal of Government, and should be embodied in the contract. The exact rate was not settled by the Order in Council, but the Board is of opinion that the prices named in the schedule, submitted on behalf of the Company, to the Receiver General, by Mr. Smillie, are fair prices and are not higher than the current rates of the American Bank Note Company, and would recommend that they be adopted as the schedule of prices in the contract.

It will also be necessary that rules should be laid down, for the proper superintendence of the work to be executed by the Company, and the Board submits the following:—

1. All the Government work shall be executed by the Company under the supervision of the Board of Customs, Excise and Stamps.

2. An Officer shall be appointed, who, subject to such instructions as he may receive from the Board, to be assented to by the Minister of Finance, shall be charged with the supervision of the work executed by the Company.

3. The Receiver General shall have the custody of all dies and plates used for Government work, when they are not in the hands of the Company for the preparation of plates or for the striking off of impressions, and he shall also have the custody of all impressions which have been completed.

4. When any dies are required for the preparation of plates or any plates for striking off impressions, the Receiver General shall deliver them, on an Order from the Board of Customs, Excise and Stamps, taking a receipt in a book to be kept for that purpose, and when such dies or plates are given or returned to him, he shall sign a receipt in a similar book to be kept by the Board of Customs, Excise and Stamps.

5. When impressions from any Government plates have been completed, they shall be delivered by the Board of Customs, Excise and Stamps to the Receiver General, who shall give a receipt for them.

6. All dies and plates when received from the Receiver General, shall be kept in a fire-proof vault, on the premises of the Company under the double lock of the Company and the Board, and it shall be the duty of the Officer of the Board, to be in attendance at the proper hours to deliver such dies, plates or impressions to the Company, for the prosecution of their work, and for restoring the plates, impressions, &c., to the vault.

7. The Secretary of the Board shall keep a Register of the number and denominations of all impressions completed by the Company and ready for delivery, which shall be verified by his initials, and also by those of an Officer of the Company, and it shall be the

duty of such officer of the Board to deliver such impressions when completed, and all dies or plates no longer required for daily use by the Company, to the Receiver General, taking a receipt therefor.

8. When forms of Debentures and Provincial Notes shall have been delivered to the Receiver General by the Board of Customs, Excise and Stamps, the Board shall be no longer responsible for them, but all Stamps shall be held by the Receiver General, subject to the requisitions of the Board. The Receiver General shall cause a Stamp Register or Registers to be kept, in which shall be entered the numbers and denominations of Stamps delivered to him, and the date of delivery, and there shall also be entered therein the numbers and denominations issued by him on the requisition of the Board, with the date of the issue, the person to whom issued, and the number of the requisition of the Board. Similar Registers shall also be kept by the Board, in which shall be entered the numbers and denominations delivered to the Receiver General, and those for the issue of which requisitions have been made. A return shall be made monthly from the Receiver General's Department to the Board, of the number and denominations of Stamps in his custody, and when it shall be necessary to cancel any Stamps in his custody, they shall be counted and destroyed in the presence of an officer of the Board and an officer of the Receiver General's Department, and a minute shall be made thereof, signed by such officers, in the Stamp Registers of the Board and of the Receiver General.

It would be desirable that the officer of the Board, when appointed, should visit New York and Washington, to make himself acquainted with all the checks and safeguards in use there for similar work.

(Signed,)

R. S. M. BOUCHETTE,  
Chairman.

*COPY of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Administrator of the Government in Council on the 20th December, 1866.*

The Committee have had before them a Memorandum, from the Honorable the acting Minister of Finance, recommending—upon a report of the Board of Customs, Excise and Stamps, respecting the superintendence, on behalf of the Government, over the work to be executed by the British American Bank Note Company—that a contract be immediately prepared to be executed by the Company, in accordance with the terms laid down in the Orders in Council of 16th August and 22nd October, 1866, and that such contract shall clearly specify that the Company shall adopt such regulations, for the proper checking of the work, as shall be approved of by the Minister of Finance, and shall make such arrangements in the building as shall, in the judgment of the said Minister of Finance, be necessary for the safety of the Government property and of the works in progress; and, further recommending that trimming and separating machines be procured by Government, the cost thereof not to exceed one thousand dollars.

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

Certified.

W. H. LEE,  
C. E. C.

To the Chairman  
of Customs, Excise and Stamps.

(Copy.)

BRITISH AMERICAN BANK NOTE COMPANY.  
Ottawa, January 23rd, 1867.

DEAR SIR,—As you are aware, our proposition and expectation from the first has been, that our contract with the Government should be for a period of ten years, we deem

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it proper and fitting through your Board to bring the subject before it at this time, having been informed that the formal contract is now in course of preparation.

May we beg, therefore, through you, as best acquainted with the history of our struggle, that that paper be so framed, as to do our efforts justice in this regard.

The large and unavoidable expenses in laying the foundation of a business entirely new in the country makes it especially needful that the ground on which we build should be beyond the possibility of disturbance within a shorter term.

Trusting that our application will be submitted to Her Majesty's Provincial Government, with your favorable report,

I have the honor to be,

Dear Sir,

Your obedient Servant,

W. C. SMILLIE,

*President.*

R. S. M. Bouchette, Esqr.,

Chairman, Board of Customs, Excise and Stamps.



# RETURN

To an Address of the SENATE, dated 12th May, 1868; For a Statement shewing the Debts of the Provinces of Nova Scotia and New Brunswick to the Dominion, at the most recent date.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 15th May, 1868.

# R E T U R N

To an Address of the House of Commons, dated 16th December, 1867; For Statement of number of Employés in Post Office at Montreal; their salaries, origin, and the vacancies therein, within five years.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 12th March, 1868.

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# RETURN

To an Address of the HOUSE OF COMMONS, dated 15th, November 1867; For  
Copies of all documents in relation to the Extradition of Lamirande.

By Command

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 11th March, 1868.

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PROVINCE OF CANADA, } To the Right Honorable Charles Stanley, Viscount Monck  
*District of Montreal.* } Baron Monck of Ballytramon, in the County of Wexford,  
Governor General of British North America, &c., &c., and Captain General and  
Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick,  
and the Island of Prince Edward, and Vice Admiral of the same, &c., &c.

The Petition of Félix Gastier, arrested under the name of Ernest S. Lamirande, now detained in the common jail of the distriect of Montreal, respectfully represents :

That on Wednesday, the first August instant, your petitioner was arrested at Laprairie by the Police of Montreal, without any written warrant, at the request, it is said, of some representatives of the French Government, and, as the Petitioner has been informed, upon the charge of embezzling money belonging to the Bank of France where the said pretended Lamirande was cashier, and the Petitioner also understands that the said representatives of the French Government are about to apply for a writ of Extradition, in order to have him, the, Petitioner, sent back to France.

That as the offence styled " embezzlement " with which the said Petitioner is charged is not mentioned in the treaty between England and France, if any such treaty is still in force, and does yet exist between the two countries, and as therefore it is impossible for them to obtain his extradition, they have resolved upon employing subornation, force and violence, unlawfully and without any right, to kidnap the Petitioner, and without any authority to send him to the United States or France. The Petitioner has come to that conclusion from the fact that the Police Officers who arrested the Petitioner have been offered several thousand dollars, if they would kidnap him and bring him to the United States, which the said Police Officers, in the full sense of their duty, sternly refused to do ; and also from the fact that the parties directing the prosecution against the Petitioner have boasted that they would have the Petitioner anyhow, whether lawfully or unlawfully, that they were bound to have him, and that they would have him, no matter by what means.

Upon such a state of facts, the Petitioner, knowing how jealous Your Excellency is of the honor of England, here appeals to Your Excellency in order that in this case, due precautions be ordered to be taken, so that no unlawful act be committed, and that the law be strictly observed and impartially administered.

And your Petitioner, as in duty bound, will ever pray.

For the Petitioner,

Montreal, August 3rd, 1866.

DOUTRE & DOUTRE,  
Attorneys.

PROVINCE OF CANADA, } To His Excellency the Right Honorable Charles Stanley,  
District of Montreal. } Viscount Monck, Governor General of British North America,  
and Captain General and Governor in Chief of the Provinces of Canada, New Brunswick, Nova Scotia and Prince Edward Island, &c., &c.

The petition of Ernest Sureau Lamirande, at present confined in the Common Jail of the District of Montreal, respectfully sheweth :

That your Petitioner has been confined in the said jail since the 1st instant, in virtue of an order issued under the signature of Wm. H. Bréhaut, Esq., Police Magistrate, in which order it is stated that the said Wm. H. Bréhaut, Esq., issued the said order to conform to a warrant issued under the signature of Your Excellency, from whom it would appear that the extradition of your Petitioner has been solicited by some person claiming to act in the name of the Government of the Emperor of the French, upon the pretext of your Petitioner's having committed in France the crime of forgery.

That among other reasons, the enumeration whereof would be superfluous here, your Petitioner cannot be surrendered :

1. Because the Treaty signed at London on the 13th February, 1843, between England and France, had ceased to exist from and after the fourth day of June last, long before the arrest of your Petitioner, in view of the fact that in conformity with a provision of the said Treaty, the French Government signified to the English Government its desire to put an end to it six months before the fourth day of June last.

2. Because it was proved before the said Wm. H. Bréhaut, Esq., that the only person who solicited and demanded the extradition of the Prisoner was M. Abel Frédéric Gautier, Consul General of France, residing at Quebec, who, from his own avowal, does not hold any position as, and does not exercise any of the functions of a diplomatic agent of the French Government, and because, according to the said Treaty, the extradition of the Petitioner could not be demanded by any person other than a diplomatic agent of the Government of the Emperor of the French.

3. Because, according to section 3 of the law passed by the Imperial Parliament (6 and 7 Victoria, ch. 75) to organize the execution of the said Treaty, no Justice of the Peace or Magistrate could, notwithstanding the issue of His Excellency's warrant, order apprehension of your petitioner, unless proof were adduced before him, under oath, that the party proceeding for the extradition of your Petitioner, was the bearer of a warrant of arrest or other judicial document equivalent thereto, issued by a judge or by competent authority in France, authenticated in such way that such warrant of arrest or equivalent document would justify the arrest of the Petitioner, if he were in France, and because your Petitioner was apprehended and is still detained, without any such warrant of arrest or other equivalent judicial document having ever been in the possession of the party requiring the said extradition.

4. That by the same law (6 and 7 Vic., c. 75.) it is further stipulated that to allow of the ordering of the extradition, the crime whereof your Petitioner is accused must be clearly defined in a warrant of arrest, or other equivalent judicial document issued in France, and because no such warrant of arrest having been submitted to the said Wm. H. Bréhaut, Esq., the latter could not judge of the nature of the offence of which the prisoner is accused.

5. Because it is enacted by the same law, that to justify the Justice of the Peace, or Magistrate in committing your Petitioner, sufficient proof shall be adduced before him to justify the apprehension and committal of your Petitioner, if he had committed the crime

of which he is accused within the limits of the Dominions of Her Majesty the Sovereign of Great Britain, and besides the ordinary method of proof resulting from the depositions of witnesses having personal cognizance of the facts, the said law admits as proof depositions made in France, and certified by the judge by whom shall be issued the French warrant for the arrest of the accused. And your Petitioner maintains that no witness having personal knowledge of the facts was heard before the said Wm. H. Bréhaut, and that no deposition, sworn to and certified as required by the said law, was submitted to the said W. H. Bréhaut, Esq.

6. Because, granting that the procedure and the formalities required by the said law had been followed and complied with, which your Petitioner denies, the facts irregularly brought forward before the said Wm. H. Bréhaut could not maintain the accusation of forgery, either according to the laws of France, or according to those of Great Britain, or according to those of Canada.

7. Because those who solicit the extradition of your Petitioner, not being able fairly to make use of the aforesaid treaty to convey your Petitioner back to France, in consequence of its not covering the offence which your Petitioner would have committed if the facts set forth in the accusation were true, they endeavor to make improper and unfair use of the said treaty by giving or striving to give to the facts brought against your Petitioner the character of forgery, whereas the whole of the said facts could amount to no more than the offense designated in this country by the term embezzlement.

8. Because attempts thus to abuse international agreements, and especially the treaty in question have invariably been condemned and baffled by the highest judicial authorities of Great Britain, as is shown by a decision recently rendered in England, by His Honor Chief Justice Cockburn, assisted by two other justices of the Court, *in re Windsor* (10 Part II, Cox, Criminal Cases, p. 118).

9. Because, notwithstanding all that is hereinbefore set forth, your Petitioner has reason to believe that not only will the committal of your Petitioner be arbitrarily ordered in violation of the law, but that attempts will be made to surprise Your Excellency's conscience and good faith in order to obtain an order of extradition with such precipitation that your petitioner would be deprived of the opportunity of submitting his case for the consideration of a Superior Court, by means of a writ of *habeas corpus*.

Wherefore your Petitioner prays Your Excellency to take the foregoing facts into your serious consideration in case the warrant of committal should be signified to Your Excellency, with the view of obtaining from Your Excellency the order to surrender your Petitioner to the French Government; and in such case your Petitioner prays that Your Excellency may be pleased to give time and opportunity for the submitting of the facts and the law of his case to a Court or Judge competent to decide the suit in a satisfactory manner, in support of both the dignity of the Government of Her Majesty the Queen of Great Britain and of this Colony, and of the interests of your Petitioner.

And your Petitioner will ever pray.

Montreal, 15th August, 1866.

DOUTRE & DAoust,  
*Advocates of the Petitioner.*

QUEBEC, 18th July, 1866.

SIR.—I have the honor to enclose to you herewith an affidavit made before Mr. Justice Tescbureau, one of the Judges of the Superior Court, at Quebec, by Mr. Edme Justin Mélin, *Inspecteur Principal de Police* at Paris, with the view of obtaining the apprehension and subsequent extradition of one Earnest Sureau Lamirande, Cashier of the Branch of the Bank of France, at Poitiers, Department of Haute Vienne, in the French Empire, who has been guilty not only of a theft of seven hundred thousand francs to the prejudice of that branch of the Bank of France at Poitiers, but also of the crime of forgery in writing, by falsifying his books and his balance sheet, and thus causing to appear as present in his safe the stolen sum of seven hundred thousand francs, a crime included in the provisions of the extradition treaty entered into between France and England, in February, 1843, a portion whereof I here transcribe :

“By a convention between Her Majesty the Queen of Great Britain and Ireland and the then Sovereign of France, signed at London on the 13th of February, 1813; the

ratifications whereof were exchanged at London, on the 18th day of March, in the same year, it was agreed that the high contracting parties should, on requisition made in their name through the medium of their respective agents, deliver up to justice persons who being accused of the crimes of murder, forgery or fraudulent bankruptcy committed within the jurisdiction of the requiring party, should seek an asylum or should be found within the territories of the other."

"In order to carry the convention into effect, the British Parliament, on the 23rd of August, 1843, passed the Act 6 and 7 Victoria, c. 75, in which after reciting the convention, it is enacted that in case requisition be made pursuant to the convention to deliver up to justice any person who, being accused of having committed, after the ratification of the convention, any of the above crimes, within the territories and jurisdiction of His Majesty the Emperor of the French, shall be found within the dominions of Her Majesty, it shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possessions, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice, within their several jurisdictions, to govern themselves accordingly and to aid in apprehending the persons so accused, and committing such persons to gaol for the purpose of being delivered up to Justice according to the provisions of the said convention."

"It shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland, for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty's Colonies or Possessions abroad, for the Officer administering the Government of any such Colony or Possession, by warrant, &c., to deliver up offenders to the authorities of France."

I therefore take the liberty, Sir, of requesting you to be pleased to apply to His Excellency the Governor General, in virtue of the powers conferred upon him by the aforesaid convention, for the necessary warrant for the apprehension and subsequent extradition of the before-mentioned Ernest Sureau Lamirande.

I shall be obliged if you will cause the warrant to be sent to me at the earliest possible period.

I consider it expedient to enclose herewith the warrant of arrest issued by the civil tribunal of Poitiers, and duly legalized by Her Britannic Majesty's Consul at Paris. I have to request that you will be pleased to return me this document with the Governor General's warrant.

I take this opportunity, Sir, of tendering to you the assurance of my most distinguished consideration.

The Honorable William McDougall,  
Provincial Secretary, Ottawa.

FRED. GAUTIER,  
Consul General of France.

PROVINCE OF CANADA.

By His Excellency, &c.

To all and singular the Justices of the Peace, and other Magistrates and Officers of Justice within their several jurisdictions in the Province of Canada.

GREETING:

Whereas one Ernest Sureau Lamirande, late of Poitiers, in the French Empire, stands accused of the crime of forgery, by having, in his capacity of Cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of seven hundred thousand francs; and whereas a requisition has been made to me by the Consul General of France in the Provinces of British North America, pursuant to the terms of a convention, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of France, signed at London on the thirteenth day of February, in the year of Our Lord one thousand eight hundred and forty-three, to issue my warrant for the apprehension of the said Ernest Sureau Lamirande; Now know ye that I, Charles Stanley, Viscount Mouch,

being Governor General of the said Province of Canada, under the authority in me vested by the provisions of the Statute passed by the Legislature of the United Kingdom of Great Britain and Ireland, in the Session thereof held in the sixth and seventh years of Her Majesty's reign, intituled, "An Act for giving effect to a convention between Her Majesty and the King of the French for the apprehension of certain offenders," do by this my warrant require you, and each of you, the Justices of the Peace, and Magistrates and Officers of Justice within your several jurisdictions in the said Province of Canada, to aid in apprehending the said Ernest Sureau Lamirande so accused, and committing him to any one of the gaols within the said Province of Canada, for the purpose of being delivered up to justice, according to the provisions of the said convention. Given, &c.

This is my draft.

Ottawa, July 26th, 1866.

GEO. ET. CARTIER,  
Attorney General, L. C.

OTTAWA, 1st August, 1866.

SIR,—I have the honor to inclose to you a warrant for the apprehension and extradition of the individual named Ernest Sureau Lamirande, accused of forgery, as requested by you in your letter of the 18th July last.

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

E. PARENT.

M. Fréd. Gautier,  
Consul General of France,  
Quebec.

OTTAWA, 3rd August, 1866.

SIR,—In transmitting to you the warrant of extradition in the case of the individual named Ernest Sureau Lamirande, the warrant of arrest issued by the civil tribunal of Poitiers was inadvertently not returned to you, as requested by your letter of the 18th ultimo. I now supply the omission.

I have, &c.,

M. Fréd. Gautier,  
Consul General of France,  
Quebec.

E. PARENT.

By Telegraph from Montreal,

OTTAWA, 6th Aug., 1866.

To Etienne Parent, Prov. Sec's. Office.

Lamirande is being extended (*sic*) in Court here, pray send to Mr. Ramsay the papers I sent you with my request for warrant per return of mail.

F. GAUTIER.

OTTAWA, 6th August, 1866.

SIR,—In compliance with a telegraphic despatch from Mr. Gautier, Consul General of France, I enclose the only paper sent with his application for the extradition of Lamirande which has not yet been returned to him. The mandat d'arrêt issued at Poitiers was sent to him at Quebec on the 3rd, and our Warrant of Extradition on the first instant.

Be pleased to return the enclosed deposition or a certified copy thereof, when the case is disposed of.

I have, &c.,

E. PARENT.

T. K. Ramsay, Esquire,  
Advocate, Montreal.

MONTREAL, 7th August, 1866.

SIR,—I have to acknowledge receipt of your letter of the 6th, enclosing me, at the request of Mr. Gautier, Consul General of France, the affidavit of Mr. Melin in the matter of Sureau Lamirande, whose extradition is required on the part of the French Government.

The affidavit will be returned, so soon as the proceedings are successfully terminated.

I have the honor to be, Sir,

Your most obedient servant,

To E. Parent, Esquire,  
Asst. Prov. Sec'y., Ottawa.

T. K. RAMSAY.

POLICE OFFICE,

Montreal, 22nd August, 1866.

SIR,—I have the honor to transmit herewith the depositions and other documents in the case of Ernest Sureau Lamirande for Extradition.

I have the honor to be, Sir,

Your obedient servant,

The Honorable  
The Provincial Secretary,  
Ottawa.

W. H. BREHAUT, P. M.

REGINA, )

vs. )

Ernest Sureau Lamirande. )

1. Information and complaint of Edme Justin Melin, at Montreal, 6th August, 1866.
2. Deposition of Louis Léonce Coudert, at Montreal, 7th August, 1866.
3. Deposition of Frederic R. Coudert, at Montreal, 14th August, 1866.
4. Document marked B—Translation, *Arrêt de Renvoi*, at Poitiers, 29th May, 1866.
5. Deposition of Edme Justin Melin, at Montreal, 14th August, 1866.
6. Document marked C—Deposition of Henri Marie du Bois de Jancigny, dated at Poitiers, 2nd April, 1866.
7. Deposition of Abel Frederic Gautier, at Montreal, 14th August, 1866.
8. Document marked D—Procès Verbal de Saisie, by Jolly, Juge d'Instruction, at Poitiers, 26th April, 1866.
9. Voluntary Statement of Ernest Sureau Lamirande, at Montreal, 15th August, 1866.
10. Document offering Reward of \$2,000 (no date.)
11. Deposition of Charles L. Spilthorn, at Montreal, 20th and 21st August, 1866.
12. Deposition of Emile B. Morel, at Montreal, 22nd August, 1866.
13. Copy of Warrant of Commitment of Ernest Sureau Lamirande at Montreal, 22nd August, 1866.

PROVINCE OF CANADA, )

District of Montreal, )

City of Montreal. )

POLICE OFFICE.

The information and complaint of Edme Justin Melin, *Inspecteur principal de police*, of the City of Paris, in the French Empire, now in the City of Montreal, in the District of Montreal, taken under oath, this sixth day of August, in the year of Our Lord one thousand eight hundred and sixty-six, by the undersigned, William H. Bréhaut, Esquire, Police Magistrate in and for the District of Montreal, which complainant saith :—

On the seventeenth day of March last I was directed by the Prefect of Police of the City of Paris aforesaid to seek out and apprehend an individual named Ernest Sureau Lamirande, Cashier of the Branch of the Bank of France at Poitiers in the French Em-



pire, who was liable to arrest under a warrant of arrest issued by the *Juge d'Instruction* at Poitiers aforesaid, on the charge of embezzlement of funds to the prejudice of the Bank of France to the amount of seven hundred thousand francs. My information acquainted me with the fact that the said Ernest Sureau Lamirande had left France to go to England. I followed him thither, and found traces of him at London and at Liverpool, where he had embarked under the name of Thibault on board the steamship "Moravian" bound for Portland, in the State of Maine, one of the United States of America. I at once embarked for the United States, and arrived in New York on the second day of April last. After having sought for him at New York, he was found at the Metropolitan Hotel, and apprehended on the ninth of the said month of April. After his apprehension at New York as aforesaid, an indictment (*arrêt de renvoi*) was despatched by the *Procureur Impérial* at Poitiers to the Consul General of France at New York, accusing him, in addition to the embezzlement of funds, of falsification of writing, and of forgery of commercial documents by his false balance sheet, and by false entries in the books of the said Branch, thereby defrauding the said Bank of France to the extent of seven hundred thousand francs. The said indictment was issued after complete instruction made by the *Juge d'Instruction* at Poitiers. During his detention at New York I paid him numerous visits, and he became very talkative to me. He several times voluntarily acknowledged and confessed, without either promise or threats in my presence, that he had embezzled funds to the amount aforesaid, and he even often told me the means he adopted to get the money out of the Bank. After the arrival of the indictment at New York, I notified him of it, telling him that he was further accused of forgery of commercial documents by his balance sheet, and he answered me, "It is true, I know it well." He has several times since made the same admission to me, and all his admissions to me respecting the offences of which he was accused were spontaneous and voluntary on his part, and without any promise or threat on my part to obtain them. While the suit for his extradition was in process at New York, the said Ernest Sureau Lamirande escaped. He has since been arrested in the Province of Canada. I have seen him in the common gaol of the District of Montreal; I perfectly recognized him as being the said Lamirande, and I have no doubt whatever as to his identity. He even had on the same clothes that he wore on the day of his escape. The said Ernest Sureau Lamirande is now a prisoner at the Police Office of the said City of Montreal, where I make this deposition. At New York the said Lamirande took the name of Dyhers, from Belgium, but after his apprehension and at my second visit he acknowledged that he was indeed Lamirande. I was then accompanying the Consul General Gauldrée Boileau.

I therefore demand justice and have signed after reading.

(Signed,)

E. J. MÉLIN.

Sworn before me, at Montreal, }  
this 6th August, 1866. }

(Signed,)

W. H. Bréhaut, P. M.

The foregoing deposition having been read in the presence of the prisoner Ernest Sureau Lamirande, he was asked whether he wished to put any questions to the deponent, and he replied that he wished to put to the witness the following questions by his Counsel, Mr. Doure.

*Question.*—Besides the calling which you have ascribed to yourself, do you not also hold that of spy of the secret police, that is to say,—of paid spy? (Mr. Ramsay, on behalf of the Crown, objected to the question. Objection sustained.)

*Question.*—According to the French law, is it not the case that the paid spy in the service of the secret police, or in other words the accuser pecuniarily recompensed by law cannot be a witness in cases in which he acts in that capacity?

(Same objection. Objection sustained.)

*Question.*—Is it not true that by Article 322 of the Code of Criminal Instruction of France, paragraph 6, the depositions of accusers, whose accusation is pecuniarily recompensed by law, cannot be received?

(Same objection. Objection sustained.)

*Question.*—By whom were you employed to follow the traces of the prisoner? *Ans.* By the Prefect of Police.

*Question.*—What salary do you receive for the duties which you perform at present in America, and especially in Canada? *Ans.* My fixed salary is the same as if I was at Paris. I have in the United States a credit opened with a banker; I expend what I require, and at my return to France I shall render an account of my expenses to the prefecture, as is always done.

*Question.*—What difference will there be in your emoluments if you succeed or do not succeed in taking the prisoner back to France? *Ans.* None.

*Question.*—Where was the prisoner in New York when you paid him the visits mentioned in your examination in chief? *Ans.* In the Ludlow Jail.

*Question.*—Was the prisoner aware at the time in what capacity you were acting in New York? *Ans.* Yes.

*Question.*—Had you ever known the prisoner before going to New York in search of him? *Ans.* No.

*Question.*—Is it not true that the prisoner has objected, and at present objects to your evidence?

(Objected to on behalf of the Crown. Objection sustained.)

*Question.*—Is there any person now here holding a warrant of arrest issued by any Court or Tribunal in France?

(Same objection. Objection sustained.)

*Question.*—Had you at New York in your possession, or had any other person, in the interest of the French Government, in his possession, a warrant of arrest or other equivalent judicial document issued by a Judge, or by competent authority in France, and if so state of what offence the prisoner was accused? *Ans.* I was the bearer of a telegraphic despatch from the *Procureur Impérial*, at Poitiers, to the Prefect of Police at Paris, which is equivalent to a warrant of arrest, but I was besides the bearer of a warrant of arrest issued by M. Jolly, *Juge d'Instruction* at Poitiers, where Lamirande was accused of embezzlement of funds to the prejudice of the Bank of France. Only that accusation appeared on the warrant which I held. Subsequently an indictment (*arrêt de renvoi*) arrived by which Lamirande was accused of forgery.

*Question.*—What has become of those documents? *Ans.* Those documents remained in the United States.

*Question.*—During the visits which you paid to Lamirande at New York, did you tell him that his father and his brother had been arrested in consequence of the matters of which Lamirande was accused, and for which he had been arrested at New York? *Ans.* I told him that I had learned that his father and his brother had been arrested.

*Question.*—What truth was there in what you told him in relation to his father and his brother? *Ans.* I had been told it on leaving France, but I did not vouch for it in speaking to Lamirande. I have since heard that the brother only was arrested.

*Question.*—When did you learn that the brother had not been arrested? *Ans.* I have never learned that the brother was not arrested.

*Question.*—Do you state that nothing destroyed your belief that the father had been arrested? *Ans.* Nothing destroyed my belief.

*Question.*—From what you know through your correspondence with Poitiers, or any other part of France, do you mean to say that nothing affected the information of which you speak above as having been communicated to you before your departure from France, in relation to the apprehension of the father and the brother of Lamirande? *Ans.* I was never officially informed of the arrest or of the release.

*Question.*—Did you not subsequently say to Lamirande that neither his father nor his brother had been arrested? *Ans.* No.

*Question.*—Were you ever the holder of a warrant of arrest issued under the authority of the *Procureur Impérial* of Poitiers, or have you seen such a warrant? *Ans.* I have not had any documents other than those which I have mentioned above.

*Question.*—How long before the date at which you say that Lamirande escaped, did you receive the indictment? *Ans.* I do not know.

*Question.*—When do you assert that the prisoner escaped from New York? *Ans.* I think that it was on the third of July.

*Question.*—What knowledge have you of the process (*instruction*) which preceded the issue of the indictment? *Ans.* None.

*Question.*—In the course of the visits which you paid to Lamirande at New York, did you speak to him of what the Consul would do for him if he returned to France. *Ans.* The Consul General, on the occasion when we first went together to see Lamirande, and when he was recognized as being indeed Lamirande, told him that if he would return voluntarily to France, he would write to his judges to interest them in his behalf, and he gave his word of honor that he would go. I myself often spoke to him to the same effect, and I advised him to return to France. I told him that if he returned voluntarily as he promised, the Consul General would write what he had said he would, and that I in my oral evidence at Poitiers, before the Court of Assize, would be favorable to him. These conversations took place, ten, twelve, fifteen or twenty times. The day following, or possibly the very day of his arrest, conversations of the nature which I have just described took place between Lamirande and myself. At a certain period after the suit for extradition had commenced I continued to see Lamirande, and one day he said to me: "I can no longer speak with you about my affair, let us talk of something else," and accordingly we talked of other matters. During that suit I one day entirely ceased to visit him. I no longer saw him, except at Court, where I had no conversation with him.

*Question.*—How long before his escape did you cease to visit him? *Ans.* I cannot say.

*Question.*—Could there have been a month as well as a week between the time when you ceased to visit him and the time of his escape? *Ans.* I cannot say; it may have been a fortnight, or it may have been a week; I cannot state exactly.

*Question.*—When you had ceased to visit him, had the question ever been raised as to his being accused of forgery, and how? *Ans.* Yes, I had told him in prison, that he had been accused of forgery through his balance sheet, as stated in the indictment, and he coincided with it, and even endeavored to give an explanation as to the interpretation of the word forgery (*faux*).

*Question.*—Be good enough to state as exactly as possible what Lamirande said to you in relation to the balance sheet? *Ans.* There was no discussion between us in relation to his balance sheet. I said to him, "You are accused of the forgery of commercial documents." "In what way of forgery?" replied he. I then said to him: "By your false balance sheet, which you signed on the day of your departure. He then said to me, "that is not a forgery in the eye of the law." This is the substance of the conversation that I had with Lamirande.

*Question.*—Did you tell him in what respect it was maintained that his balance sheet was false and untrue? *Ans.* In bearing upon the face of it that there was in the safe of the bank a sum of seven hundred thousand francs which he carried off with him. This is what was told me about it, and what I repeated to Lamirande. I did not see his balance sheet.

*Question.*—Did that conversation take place before or after the arrival of the indictment? *Ans.* The question was probably raised before, but it certainly was afterwards. I had received letters giving me the information, that is to say, of his being accused of forgery.

*Question.*—Did not the Consul General of France at New York say to Lamirande in your presence that there was no accusation of forgery against him, and that no punishment except that of imprisonment could be inflicted upon him? *Ans.* When I saw Lamirande with the Consul General, it was on the day after his apprehension, and it was evident that we were not aware that an accusation of forgery against him existed; therefore no mention could be made of it, and I do not recollect that the Consul General spoke of imprisonment.

*Question.*—Do you know whether in the statement made by Lamirande's director, of the matters of which Lamirande is accused, the question of accusing the latter of forgery is raised. *Ans.* I have not read the document, nor have I heard it read.

*Question.*—From what Lamirande told you, would his balance sheet have been true and exact, if Lamirande had not carried off seven hundred thousand francs? *Ans.* I cannot answer that question, but if the seven hundred thousand francs had remained where they were, he would not have run away, and we should not have run after him.

*Question.*—From what Lamirande told you what ought the balance sheet to have contained in order not to be false and untrue? *Ans.* The question was never raised between us.

*Question.*—Of what commercial documents were you talking to Lamirande when you told him that he was accused of forgery? *Ans.* I told him he was accused of forgery in that he had falsified his writings and made up a false balance sheet.

*Question.*—In what respect did you tell him he had falsified his writings? *Ans.* I simply told him that he had falsified his writings without telling him in what respect he had falsified them, because I received no further information.

*Question.*—What did Lamirande say to that? *Ans.* I should find it very difficult to say; I do not remember.

*Question.*—Did Lamirande ever acknowledge before you anything other than what resulted from the fact of the sum of seven hundred thousand francs which he had abstracted, being entered upon his balance sheet as being in the safe of the Bank, and which was not there, he having abstracted it? *Ans.* When I told him he was accused of forgery he coincided with that view.

*Question.*—What did he acknowledge? *Ans.* When I said to him that he was accused of forgery through his balance sheet, he answered, "I know it well."

*Question.*—In what respect did his balance sheet shew him to be guilty of forgery, according to what you told him? *Ans.* I do not know. I knew but one thing, the accusation against him, and I gave him information of it.

*Question.*—From the information which you had received and which you had communicated to Lamirande, was there question of any other matters besides the abstraction of the sum of seven hundred thousand francs of which you have spoken? *Ans.* Yes, there was the question as to the accusation of forgery.

*Question.*—Did the accusation of forgery refer to that sum of money? *Ans.* It is a separate crime.

*Question.*—Has the sum of money in question any reference more or less direct to that accusation? *Ans.* So far as I see, one results from the other.

*Question.*—From the information by which you have been guided throughout this affair, would the balance sheet put in by Lamirande at the time of his departure be false if the sum of seven hundred thousand francs was replaced in the safe of the Bank at Poitiers?

(Objected to on behalf of the Crown. Objection overruled.)

*Ans.* Though the money were replaced in the safe, the forgery would still exist notwithstanding.

*Question.*—Of what then does the forgery consist? *Ans.* In my view, and according to the information which I had received, it consisted of causing to appear on his balance sheet, which he signed, and which is an official document, a sum as being present in the safe, and in the vaults which was not there present.

*Question.*—Is that what Lamirande acknowledged before you, or was it something else? *Ans.* In my view Lamirande acknowledged having committed forgery.

*Question.*—Was there anything said between Lamirande and you when you spoke of forgery, about anything else than causing to appear on his balance sheet a sum as being present in the safe and in the vaults which was not then present? *Ans.* Yes, we conversed about the registers also.

*Question.*—What was said about the registers? *Ans.* I told him that he was accused of falsification of writings in addition to his balance sheet.

*Question.*—What writings were in question? *Ans.* I was never furnished with details. I knew but of the accusation.

*Question.*—What was said between Lamirande and you in relation to those writings? *Ans.* I shall but repeat the same thing: we spoke only of the accusation. I could not give him details, I know none. He acknowledged it.

By consent, this case is continued until to-morrow at eleven o'clock in the forenoon, for the further cross-examination of the witness by the prisoner.

(Signed,)

WM. H. BREHAUT, P. M.

Montreal, 6th August, 1866.

On the seventh day of August in the year of Our Lord one thousand eight hundred and sixty-six, the above named and described deponent again appeared before the undersigned, William H. Brébaut, Esq., Police Magistrate, in and for the District of Montreal, and being again sworn in the presence of the prisoner, Ernest Sureau Lamirande, the cross-examination of the said deponent was continued as follows:

*Question.*—When you spoke of the falsification of writings to Lamirande, was it question of writings connected with the sum of money which was missing from the safe of the Bank after his departure? *Ans.* I am of opinion that that was what was in question.

*Question.*—According to the information which you communicated to Lamirande after having received it yourself was the register kept by Lamirande stated to contain the same irregularity as his balance sheet, or something different? *Ans.* I have already stated that I had no details as to the manner in which Lamirande proceeded, that I had only been told a falsification of writings and forgery of commercial documents by his balance sheet.

*Question.*—Did you ever say to Lamirande that he was accused of alteration of writings or of figures, either in the registers or in his balance sheet? *Ans.* As I understand it, alteration and falsification mean the same thing. I may have used both words in my conversation with him.

*Question.*—Be good enough to state precisely what Lamirande acknowledged before you and the terms that he made use of in so doing? *Ans.* When I said to Lamirande that he was accused, in addition to the embezzlement of funds, of forgery of commercial documents, he replied: "It is true, I know it well."

*Question.*—To what did Lamirande's words, "It is true, I know it well," apply? *Ans.* For my part I am morally convinced that the meaning of that reply was that he acknowledged himself to be guilty of the deed.

*Question.*—State in what terms Lamirande discussed with you the nature of the offence which might be the result of the facts of which he was accused? *Ans.* Lamirande maintained that the forgery of which he was accused was not that described by the law as such.

*Question.*—Of what arguments did he make use to disprove the nature of forgery as applied to his acts? *Ans.* I do not think we discussed the point. I only remember that Lamirande maintained that the forgery of which he was accused was not that laid down as such by the law.

*Question.*—What reasons did he give for stating that his acts did not constitute forgery as laid down by the law? *Ans.* I think, but I cannot state positively, that Lamirande maintained that forgery was a false signature, whereas his was a true one.

*Question.*—Have you, either at New York or at Montreal, had consultation with those who were conducting the prosecution, as to the nature of the accusation which was to be preferred against Lamirande? *Ans.* At New York, yes; but at Montreal, no. But at New York the question of forgery was never spoken of, because embezzlement was included in the treaty; although the indictment which was placed in the possession of Mr. Judge Commissioner Betts contains that accusation.

*Question.*—Have you, in Montreal, held any conversations in which the reasons were explained to you why the accusation was not the same here as at New York? *Ans.* It was useless to explain it to me; I knew it. At London, in England, where I have often been on extradition business, I became acquainted with the treaty existing between France and that Power and her Colonies. The whole Lamirande business was discussed between the advocates for the prosecution and myself; we read the treaty existing between England and France, and I had no need to have it explained to me for I knew it well beforehand.

*Question.*—Was there any discussion between you as to the means to be adopted to give the facts the color of a forgery? *Ans.* No.

*Question.*—Did not the advocates for the prosecution tell you that there was no way in this country of basing an accusation of forgery, on the facts of which Lamirande was accused? *Ans.* Before seeing the Montreal advocates I went to Quebec, where, without any one's advice, I made an affidavit accusing Lamirande of forgery, consequently, I knew what was to be done before seeing the Montreal advocates. The advocates for the prosecution at Montreal did not tell me that there was no way in this country of basing an accusation of forgery, on the facts of which Lamirande was accused.

*Question.*—Why was not the accusation of forgery adduced in New York, since the

indictment contained it? *Ans.* Probably because the accusation of embezzlement of money was sufficient.

*Question.*—Was not the accusation of forgery abandoned at New York upon the advice of Counsel who declared it to be incompatible with the facts, and was not that declared by Commissioner Betts? *Ans.* I never heard anything said about that.

*Question.*—Give the substance of what you declared in the affidavit which you say you made at Quebec? *Ans.* In the affidavit I stated that Lamirande, a fugitive from French justice and from American justice, had, according to the information of which I was in possession, taken refuge on Canadian soil; that in France he was accused of the embezzlement of a sum of 700,000 francs to the prejudice of the Bank of France at Poitiers; that furthermore, he was accused of falsification of writings and of forgery of commercial documents by his balance sheet.

*Question.*—If the sum of seven hundred thousand francs had been carried off from the Bank of Poitiers by any other person than Lamirande, did any other circumstances exist which would have justified you in declaring that his balance sheet was false? *Ans.* Yes, the indictment inculpated him.

*Question.*—Was there anything in Lamirande's conduct which might have led you to doubt the correctness of his balance sheet, if the money had been taken by another person? *Ans.* I do not know that there was.

*Question.*—From your knowledge of the Treaty between France and England are you able to state what was its intended duration, and how it could be abrogated? *Ans.* In consequence of some circumstances with which I am not acquainted, the Imperial Government notified that of England that the Treaty would terminate on the first of June, eighteen hundred and sixty-six; but the English Government requested that it might continue in operation until a new Treaty could be concluded.

*Question.*—According to French Law which is the heaviest form of crime; the embezzlement of money or forgery; and which of them involves the severest punishment? *Ans.* Forgery beyond doubt.

*Question.*—In your conversation with Lamirande, which did he acknowledge to be false—his balance sheet, or the cash? *Ans.* I think he acknowledged that both the entries were false—and his balance sheet also.

The prisoner declares by his Counsel, Mr. Doutre, that he has no more questions to put to the witness.

Mr. Pominville for the prosecution, re-examines the witness by putting the following question:—

*Question.*—In the cross-examination, which you have undergone on the part of the prisoner, you spoke of a conversation which the Consul-General had with the prisoner, in which he stated that if he (the prisoner) returned to France of his free will, he would write to the Judges in his behalf, and that prisoner gave his word of honor that he would set out. Have the goodness to state what conversation between the Consul-General and the prisoner led the former to speak in that manner? *Ans.* When we arrived at the prison at Ludlow,—I, the Consul-General, and Mr. Béranger the Vice-Consul—we were conducted into a small room, to which the individual in question was also brought. The Consul-General thus addressed him, "Are you Lamirande?" "Yes, sir." "You were the Cashier at Poitiers?" "Yes, sir, and I am fully aware of my position; my intention is not to resist the laws of my country." The Consul-General then said to him, "This is not an official visit which I am now making; it is a friendly one; as Consul-General I feel bound to care for all my fellow-countrymen, and as you do not intend to offer any resistance, write me a few words, placing yourself at my disposal; I shall then write to your Judges to enlist their feelings in your favor, for as far as I can learn from Mr. Melin, your family is respectable and respected."

The Counsel for the prosecution declares that he has no other questions to ask in re-examination, the examination is therefore closed and the witness has signed.

(Signed,) E. J. MELIN.

(True Copy)

W. H. BRÉHAUT, P.M.

Taken and acknowledged before me at Montreal, the }  
seventh of August, eighteen hundred and sixty-six. }

(Signed,)

W. H. BRÉHAUT, P.M.

PROVINCE OF CANADA, }  
 District of Montreal. }

## POLICE OFFICE.

The deposition of Louis Léonce Coudert, Esquire, Advocate, of the City of New York, in the State of New York, one of the United States of America, at present in the City of Montreal in the District of Montreal, taken under oath this seventh day of August, in the year of Our Lord one thousand eight hundred and sixty-six, in the Police Office, in the Court House, in the City of Montreal, in the District of Montreal aforesaid, by the undersigned, William H. Bréhaut, Esquire, Police Magistrate in and for the District of Montreal, in presence of Ernest Sureau Lamirande, late of Poitiers, in the Empire of France, who now stands accused, by complaint under oath before me, under the provisions of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, and of the Statutes made and provided therefor, of having committed at Poitiers, in the Empire of France, the crime mentioned and predicated by the said Treaty between Her Majesty the Queen and the said King of the French; that is to say,

That the said Ernest Sureau Lamirande did commit the crime of forgery by having in his capacity as Cashier of the Branch of the Bank of France, at Poitiers, made false entries in the books of the said Bank, and by so doing defrauded the said Bank of the sum of seven hundred thousand francs.

The deponent, Louis Léonce Coudert, deposes and saith as follows:—

I have been acquainted with the prisoner for several months past. I caused him to be arrested first as Sureau Lamirande, although he had passed first under the name of Thibault, and afterwards under that of Dylers. I commenced proceedings against him under the Treaty and brought him before Commissioner Betts, under a warrant issued by the President of the United States, on the requisition of the French Government. On the day of his appearance before Mr. Betts, in answer to the preliminary interrogatories, he, or rather his advocate for him, and in his presence, declared that his name was Sureau Lamirande, his age, I believe, either forty or forty-two years; I am not exactly certain of his age. I instituted also a civil action against him under the name of Sureau Lamirande. His first name was Ernest, and he had perhaps others. The object of the civil action was to recover the sum embezzled to the amount of two hundred thousand dollars. He was sworn personally by the name of Sureau Lamirande, and in obedience to that summons he appeared by his advocate, and entered a plea in defence; the whole before a court of competent jurisdiction, and in the cause he was condemned, after hearing, to pay two hundred thousand dollars, as being truly Sureau Lamirande. I saw him also several times personally; the first time on the ninth day of April, one thousand eight hundred and sixty-six, being the day of his arrest, first at the Metropolitan Hotel. There I did not speak to him, but afterwards in Ludlow street Gaol, in the City of New York, on which occasion he repeatedly acknowledged to me his identity. He several times promised that he would voluntarily return to France, and entreated me not to enter an action to procure his extradition; saying, the Bank has lost enough by me without my causing a further loss. The first time of my speaking to him was on the day of his arrest. I had traced him personally myself from Portland to New York. At first he told me that he did not know what I was talking about, but while talking with him I mentioned what either the Consul General or Mr. Melin had told me—that his father was arrested. He made answer that it was not true, that it could not be, that he had remained at New York longer than he intended, with the hope of seeing some French newspapers from which he might learn the particulars of the affair and discover whether they had found his family. That appeared to shock him extremely. He even shed tears, and at last acknowledged to me that he was really the person whom I was in search of, that is to say, Sureau Lamirande, cashier of the Bank of France, at Poitiers. I told him also that I had found at Quebec, a Mr. Valin to whom he had delivered six thousand francs of the stolen money, and that the said Mr. Valin was exceedingly vexed at being in possession of those funds. He told me that Mr. Valin was not aware where the money came from, that he only was the guilty man. I have to add that I caused to be seized also in New York, in the course of the civil suit and in virtue of the judgment given against him, in favor of the Bank of France, about one hundred and thirty-five thousand francs. I think that is the exact sum. Moreover, I often saw him when he came into court, and his identity was never called in question. He acknowledged

at least a hundred times that he was the accused party in the Bank of Poitiers affair. The investigation during the suit for the extradition of the prisoner lasted nearly three months, and he appeared before the court sometimes once, sometimes twice and even three times in the week. It was at our office, that is to say, that of my brothers and myself, under the firm of Coudert Brothers, who conducted the suit before the court, in virtue of orders given by the Consul General of France at New York, besides which I hold a special Power of Attorney from the Bank of France in my own name. The prisoner was assisted by several advocates of New York. During the progress of the Civil suit, in which he was defended by advocates of New York, we received two copies of documents, served on us by the advocates of the prisoner in the course of the defence. Those copies were signed "Lamirande." I make oath that the prisoner now here before me is the person named Sureau Lamirande, against whom I instituted a suit in New York, and who, during the investigation made at New York for his extradition, pleaded adversely. Since I saw him at New York, he has cut off his mustachios and part of his beard; but if he will open his mouth it will be found that he has one tooth wanting on the left side of the upper jaw, which tooth is decayed and partly broken. He disappeared from New York and I have seen him again here at Montrea!. When he escaped from New York he was in custody of the United States Marshal, but in the immediate charge of Mr. Deputy Marshal Greene. Immediately after the escape of the prisoner we, that is the house of Coudert Brothers, had a certain number of hand bills printed, one of which is now produced and marked with the letter A. The extradition of the prisoner, was demanded at New York on the strength of a first document which made no mention, I think, of any thing but embezzlement of money. That document was sent before the *instruction* in France was completed. When the *instruction* was completed, depositions and an indictment were transmitted to us, which charged him with embezzlement and forgery. At the time when the latter documents were transmitted to us the first steps for the procuring of the extradition of the prisoner were already taken on the ground of embezzlement of funds. Under the treaty with the United States we were as well entitled to demand his extradition for embezzlement as forgery, and it was perfectly futile to change the proceeding already commenced on the ground of embezzlement. And further the Deponent saith not, and the above being first read, has signed.

(Signed,)

LOUIS LÉONCE COUDERT.

Sworn before me, at Montreal, the seventh day of  
 August, one thousand eight hundred and sixty-six. }  
 (Signed,) W. H. Bréhaut, P.M. }

The foregoing deposition having been made and read in presence of the prisoner, Ernest Sureau Lamirande, he was asked whether he desired to put any questions to the witness, and he answered that he desired to put to him the following questions by his Counsel, Mr. Doure.

*Question.*—Was it by your instruction and under your direction that the arrest of the prisoner was effected in Canada.

Mr. Ramsay objects to the question on behalf of the Crown, inasmuch as it has no reference to the preliminary examination, the arrest of the prisoner having been ordered by a warrant under the hand of His Excellency the Governor General.

(Objection sustained.)

*Question.*—How long a time elapsed between the commencement of the proceedings for extradition at New York, and the arrival of the individual above mentioned from France?

*Ans.* I cannot tell you. I do not recollect. The affair went on slowly after the formal institution of the proceedings to obtain extradition, because Lamirande entreated that it might not be hurried on, stating that he would return to France of his own accord. The indictment reached us between two and four weeks before the escape of the prisoner.

*Question.*—Was the addition of the charge of forgery to that of embezzlement in the indictment made in consequence of suggestions from you, or from those persons with whom you acted at New York to the French authorities? *Ans.* By no means.

*Question.*—Did you take part at Montreal in the consultations relative to the manner of claiming the extradition of the prisoner in Canada?



(Objected to on behalf of the Crown. Objection sustained.)

*Question*—What did the several documents received from France at New York relative to the claim of extradition consist of? *Ans.* As nearly as I can recollect, they were, a warrant of arrest, depositions, and an indictment, in the way of documents.

*Question*—What became of all those documents? *Ans.* I believe they were all deposited in the hands of Mr. Betts, the Commissioner, before whom the proceedings to procure the extradition of the prisoner took place. The first document was the warrant of arrest. I think that hitherto we have called this an order of arrest. This was the document in which the prisoner was charged with embezzlement. Next was the *enquête* or instruction. As the depositions taken in the course of the inquiry (*instruction*) proved an embezzlement of money and an act of forgery, the document founded on them, that is to say, the indictment, alleges him to be guilty of both crimes. I think we received these documents in the following order: first, the warrant of arrest, next the depositions, and afterwards the indictment. The *arrêt de renvoi* corresponds nearly with the indictment in this country.

*Question*—Among those depositions was there one made by the Director or Principal Officer of the Branch of the Bank of France at Poitiers, Mr. Adolphe Bailly? *Ans.* Personally, I was not charged with the management of the process instituted against Mr. Lamirande. I think, however, that there was a deposition made by a Mr. Bailly, but I do not know what was his official quality.

*Question*.—Can you explain why the prisoner is charged here with forgery only? *Ans.* Because no other charge was necessary to procure his extradition.

*Question*.—Has the identity of the prisoner as Ernest Sureau Lamirande, charged with embezzlement or forgery on the Bank of France in its branch at Poitiers, ever been affirmed by any person who knew him in France, except himself? *Ans.* No, we concluded that he must know himself, and the description which we received from France perfectly agreed with his appearance.

*Question*.—Whether was the description in words or photograph? *Ans.* Both.

The prisoner declaring that he had no more questions to put to the witness, the examination was closed, and the deponent has signed.

(Signed.)

LOUIS LÉONCE COUDERT.

Taken and acknowledged before me, at Montreal, this seventh }  
day of August, one thousand eight hundred and sixty-six. }

(Signed.)

W. H. Bréhaut, P. M.

A true Copy.

W. H. Bréhaut, P. M.

PROVINCE OF CANADA, }

*District of Montreal.* }

POLICE OFFICE.

The deposition of Frédéric R. Coudert, Esquire, Advocate, of the City of New York, in the State of New York, one of the United States of America, now present in the City of Montreal, in the District of Montreal, taken under oath this fourteenth day of August, in the year of Our Lord one thousand eight hundred and sixty-six, at the Office of Police, in the Court House, in the City of Montreal, in the District of Montreal aforesaid, by the undersigned, William H. Bréhaut, Esquire, Police Magistrate in and for the District of Montreal, in presence of Ernest Sureau Lamirande, late of Poitiers, in the Empire of France, who now stands charged before me on a complaint brought before me under oath in virtue of the provisions of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French, and of the Statutes made and provided therefor, of having committed at Poitiers, in the Empire of France, the crime hereinafter mentioned, the same being specified and predicated by the said Treaty between Her Majesty the Queen and the said King of the French: that is to say, that he, the said Ernest Sureau Lamirande did commit the crime of forgery, having in his capacity of Cashier of the Branch of the Bank of France at Poitiers made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of seven hundred thousand francs.

The deponent, Frédéric R. Coudert, deposeseth and saith as follows :

I am an advocate practising at New York since one thousand eight hundred and fifty-two. I was employed as counsel in the proceedings instituted against the prisoner Lamirande at New York. The prisoner, M. Lamirande, was arrested and brought before the Court presided over by Mr. Commissioner Betts. We had a great many sessions, in which the firm and partnership of Condert Brothers represented the French Government, and several advocates, (among them Mr. Spilthorne here present,) represented the prisoner Lamirande. These sessions continued till the third of July last. At that last session or meeting, or at the one next preceding it, I cannot affirm which, Mr. Spilthorne prayed leave of the Commissioner to carry away with him a document written in the French language, which came from France, and which we term the *arrêt de renvoi* (Indictment.) This document had been proved by us to be authentic, and admitted to be so by the Judge Commissioner. We had also proved in like manner a translation of the same document into the English language, made in my office, and the correctness of which I am able to certify. This translation had been also received by the Judge, and marked by him with his initials; it is now in my possession. When Mr. Spilthorne prayed leave to carry away this document with him, he said that he would bring it back at the following session. I made no objection to the granting of this request of Mr. Spilthorne's, but my brother, who was associated with me in the management of the proceedings made the remark that he would not entrust a document of such value to Mr. Spilthorne, that probably I should never see it (the document) again. Since that day, I have never set my eyes on that document again, although I have made search for it among all Mr. Betts' papers. Not finding it, I went to Mr. Spilthorne's office. I reminded him that he had carried away the document in question. He acknowledged that he had taken it, but declared that he did not know whether he had returned it or not. That in order to satisfy his mind respecting it, he must look for it among his papers, which were at his dwelling house, and he swore to me that if he could find the paper in question, I should have it at my office the following day (Wednesday) at nine o'clock. I told Mr. Spilthorne that the case was one of urgent importance; and that he would render me a personal service if he would go at once to his house, that I would pay for a carriage in order that he might lose the less time, but I could not get him to do that. Next morning, about ten o'clock, as I had received no communication from Mr. Spilthorne I sent one of my clerks to him, with a letter requesting that he would send me the indictment. He returned me no answer, and I have never set eyes on the paper since. I do not know that there is a French copy of the document, and I do not believe that there is one.

*Question.*—Have you in your possession the English translation of the Indictment which was made use of before Mr. Commissioner Betts, at New York? *Ans.* Yes Sir, I have that document. Here it is.

Mr. Ramsay, representing the Crown, moved that that document should be received and fyled by the Court. Mr. Doure, Counsel for the prisoner, objected to the motion and to the production of the document, inasmuch as it possessed none of the characters required by the Statute 6 and 7 Vic., c. 75, section 3.

The Court overruled the objection, and the document was fyled and marked with the letter B.

The deponent continued as follows:—

The translation is one compared by myself with the paper proved in evidence before Mr. Betts, which translation has been submitted to the opposite parties, and against which I never heard a word of objection.

Further, the deponent saith not and this deposition being first read, declares that it contains the truth, in which he persists and hath signed.

(Signed,) F. R. COUDERT.

Sworn before me, at Montreal, this }  
fourteenth day of August, one thou- }  
sand eight hundred and sixty-six. }  
(Signed,) W. H. Bréhaut, P. M.

The foregoing deposition having been made and read in presence of the prisoner, Ernest Sureau Lamirande, he is asked whether he has any questions to put to the witness, and he makes answer that he desires to put the following questions by his counsel, Mr. Doure.

*Question.*—Was it under the indictment which you have been talking of that the prisoner was arrested in the United States? *Ans.* No.

*Question.*—How, and for what reason, was that indictment brought forward in the proceedings instituted at New York? *Ans.* As a proof in confirmation of the charge offered on the part of the prosecuting party.

*Question.*—For what crime was the prisoner arrested in the United States? *Ans.* For what we term the crime of embezzlement.

*Question.*—When the prisoner was arrested was the party who arrested him provided with a warrant from the French authorities? *Ans.* I believe he was; either then or a short time afterwards we were furnished with one; we made no use of it in causing him to be arrested.

*Question.*—What has become of the warrant under which the prisoner was in custody at New York with a view to his extradition? And why is that document not in the hands of the parties who are prosecuting the extradition of the prisoner? *Ans.* The only warrant in virtue of which the prisoner was arrested is that of Mr. Commissioner Betts, which is of course in his office, I presume. If you mean the warrant signed by M. Jolly, the *Juge d'Instruction*, immediately after the flight of M. Lamirande, and before any charge was produced against him, I think that document is in the hands of Messrs. Pominville and Bétournay.

*Question.*—With what crime is the prisoner charged in the warrant issued in France and which is in the hands of Messrs. Pominville and Bétournay?

*Question* objected to by Mr. Bétournay, on behalf of the prosecution, and the objection sustained.

*Question.*—Did Mr. Commissioner Betts hold any sitting on the accusation brought against the prisoner at New York, after the indictment which you say has disappeared had been entrusted to Mr. Spilthorne? *Ans.* I do not think he did. As I stated before, that document was entrusted to Mr. Spilthorne at the last sitting, or the last but one, my impression is that it was at the last, that being the case there was no other sitting held.

*Question.*—Who is the custodian or legal keeper of the papers of which that document forms a part? *Ans.* Mr. Commissioner Betts.

*Question.*—Are you aware that Mr. Commissioner Betts ever required Mr. Spilthorne to restore that document to the scroll of papers appertaining to the case? *Ans.* No, I am not aware of that; but I hold an authority from Mr. Betts to take depositions in the case. It is a written authority. I received it by telegraph, and it was sent by letter to Mr. Osborne, one of his colleagues, who communicated it to me as he took it from his waste paper basket, and who threw it back into the same place after having shewn it to me. I also received a telegram to the same effect. Mr. Osborne had previously permitted me to examine the documents in order that I might take what I wanted, and Mr. Betts himself had allowed my clerk, some days before, to take such documents as I desired to have.

*Question.*—Did the disappearance of the indictment lead to any fresh proceeding on your part? *Ans.* It did. I consulted the District Attorney, who told me that I ought to enter a complaint. This was on Friday morning. As I was reluctant to enter a complaint against a professional brother, I sent a clerk to Mr. Spilthorne about three o'clock, the time at which they told me he would be found at home. He was not there, and I learned for the first time that he was about to start for Canada. I then proceeded to Mr. Commissioner Osborne's and signed an affidavit. He signed a warrant for the arrest of Mr. Spilthorne, placed it in the hands of the Marshal, but the Marshal could not find him.

*Question.*—Will you recite the substance of the affidavit? *Ans.* It contained the facts as I have stated them to you, with this addition! That, in my opinion, Mr. Spilthorne was keeping that document with intent to steal it, or to make away with it, in order that we might not have the benefit of it in Canada; that is, as nearly as possible, what I declared in my deposition.

*Question.*—What is the designation of the offence for which Mr. Osborne issued his warrant against Mr. Spilthorne? *Ans.* I refuse to answer that question, as I do not know

that I could give the exact designation to the offence as the District Attorney would give it.

The Court sustains the witness in his refusal to give any other answer but this.

*Question.*—For what purpose did Mr. Spilthorne pray leave to carry away that document with him? *Ans.* Naturally, I cannot positively affirm what his purpose was; he alleged that he was desirous of comparing it with my translation.

*Question.*—How long before that time had that translation been made? *Ans.* I cannot tell you; perhaps eight days, perhaps fifteen days.

*Question.*—Is the document which you produce, materially or in substance the same as that which Mr. Spilthorne wished to compare with the indictment? *Ans.* I cannot positively tell you that.

*Question.*—Was the document which you say remained in the hands of Mr. Spilthorne an original document, or a copy? *Ans.* The document delivered to Mr. Spilthorne was a certified copy, but certified so as to serve as an original before the tribunal of France, as the witnesses affirm therein.

*Question.*—Did you exhibit to Mr. Spilthorne any written authority from Mr. Commissioner Betts delivered to you by him to take possession of the said indictment? *Ans.* As Mr. Spilthorne solemnly promised (swore) that he would restore it to me, and did not talk to me about authority from Mr. Betts, so neither did I talk to him about any authority.

*Question.*—Is the tribunal presided over by Mr. Betts a Court of Record? *Ans.* For certain purposes it is similar to a Court of Record; for instance, with respect to the embezzlement or abstraction of a document, by the law of Congress; nevertheless, it has not technically speaking a Clerk.

*Question.*—Are you one of those who directed the proceedings, to obtain the extradition of the prisoner at New York? *Ans.* They were altogether directed by my office, that of myself and brothers.

*Question.*—Was the extradition of the prisoner demanded in the United States on a charge of forgery?

*Question* objected to by the Counsel for the prosecution, and the objection sustained by the Court.

*Question.*—What has become of the documents produced in the United States, and which accompanied the said indictment? *Ans.* Part of them are in the hands of Mr. Commissioner Betts, part in those of Messrs. Pominville & Bétournay, and I do not know where the indictment is.

*Question.*—Were there among those documents any depositions taken in France, and among them the deposition of the Director of the Branch of the Bank of France at Poitiers?

*Question* objected to by Counsel for prosecution and objection sustained by the Court.

*Question.*—What part of those documents remained in the hands of Mr. Commissioner Betts?

Same objection; objection sustained.

*Question.*—Is there to your knowledge in existence any deposition (what is termed here in Canada and in the United States, an affidavit) charging the prisoner with forgery?

The same objection made by the Counsel for the prosecution, inasmuch as the question is too general and ought to be limited in its bearing to the prosecution of the prisoner in Canada. Objection overruled.

*Ans.* There were depositions in existence, and I presume they still are in existence. I have seen one or more depositions in which it was stated that Mr. Lamiraude had prepared false balance-sheets, and had committed forgeries in commercial documents to conceal his robberies. I recollect even that one witness deposed that he had examined the cash box and compared the cash it contained with the balance sheet, and that by the use of ciphers the latter was made to conceal a deficit of several hundred thousand francs, and that according to the evidence of that witness or of some other, Mr. Lamirande must have been long in the habit of making false balance sheets, I think every day, but at least very frequently.

*Question.*—Have you ever seen any of these balance sheets or documents charged as forgeries? *Ans.* No, sir, but I have seen a *procès-verbal* stating, I think, that such a document had been secured.

*Question.*—Was the document mentioned in the *procès-verbal* alleged to be false?

*Ans.* I do not know. If I recollect aright, that document had been secured in the beginning, either immediately after the flight of Mr. Lamirande or after the examination of the books.

*Question.*—Was that document sent to America? *Ans.* No, I never saw the document. Neither were the books sent to America.

*Question.*—Were fac-similes or copies of the documents alleged to be forged, sent to America? *Ans.* Not to my knowledge, but I believe that the substance of the documents is contained in the indictment, of which I have this day produced a faithful translation.

*Question.*—Do you know who represents the French Government in the demand now made here in Canada, for the extradition of the prisoner? *Ans.* I presume it is the Consul General.

The prisoner declares that he has no more questions to put to the witness, and the examination is closed, and this deposition being read, the deponent hath signed.

(Signed,) F. R. COUDERT.

Taken and acknowledged before me, at Montreal, }  
this fourteenth of August, one thousand }  
eight hundred and sixty-six. }

(Signed,) W. H. Bréhaut, P. M.

A true copy.

W. H. Bréhaut, P. M.

B.

NAPOLEON, *by the Grace of God and the will of the People, Emperor of the French, to all to whom these presents shall come.*

GREETING:

(May 29, 1866.)

Sureau Delamirande, *alias* Lamirande, Ernest Charles Constant, accused of thefts, *qualifiés* breaches of trust, *qualifiés* forgeries in commercial or banking accounts, and of having made use of forged documents (*pièces*).

The Imperial Court of Poitiers has, in the *Chambre des Mises en Accusation*, rendered the following decree:—

*Assizes of the Department of the Vienne.*

After hearing the report made to-day, in the name of the *Procureur Général* (District Attorney), by Mr. Duverger, his substitute, of the criminal proceedings instituted before the Tribunal of the District of Poitiers (Vienne), against Sureau Delamirande, *alias* Lamirande, Ernest Charles Constant, former cashier of the Branch of the Bank of France in Poitiers, 42 years of age, born on the 29th October, 1823, at Corra (Vienna), residing latterly at Poitiers, and who has since absconded, charged with thefts, *qualifiés* breaches of trust, *qualifiés* forgeries in commercial or banking accounts, and of having made use of forged documents.

Having seen all the papers and proceedings in the case, having seen also the *réquisitoire* (requisition) of the *Procureur Général*, under date of this day, written and signed by Mr. Daverger, his substitute, and which reads as follows:—

Having seen the articles 379, 386, 408, 147, 148 and 164, of the penal code and the article 217, and those following of the *Code d'Instruction Criminelle*.

Whereas, from the judicial examination of the charges and evidence of guilty result, there appear sufficient grounds to arraign the accused on his trial for the offences which are charged to him, and which being qualified crimes are punished with afflictive and ignominious penalties by the aforementioned article of the penal code.

—Whereas, in fact, on the twelfth of March, 1866, Sureau Delamirande, who was only known under the name of Lamirande, which he always used to sign, Cashier at the Branch of the Bank of France at Poitiers, since the month of August, one thousand eight hundred and fifty eight, has absconded, carrying with him the key of the upper compartment of the

safe for daily use, of which he was the only accountant, and of which he had the handling in his aforesaid capacity, in which compartment were contained a large amount of funds and bills of the Bank of France, and that the examination of that safe has shown that previous to his departure, Sureau Delamirande embezzled from said safe, and appropriated to his own use four hundred and eighty-five thousand two hundred and seventy-one francs, sixty-four centimes in specie and bank bills, belonging to the Bank of France.

Whereas, in order to ascertain the whole amount of the embezzlement or subtraction of which the cashier had been guilty, there had been instituted an immediate and minute examination of all the valuables, which should have been in the reserve of the Bank, which is called vault or cellar, and in which is deposited the specie which is taken from the safe for daily use in proportion as the latter contains too much of it, but which is no longer at the personal and exclusive disposition of the cashier, for one can only enter that vault or cellar by means of two different keys, one of which is in the hands of the Director; and that it has been established, according to the accounts, that there was there a deficiency of two hundred and nineteen thousand four francs and thirty centimes, either by the impairing of a large number of bags of gold and silver, practised by the cashier, or by the subtraction of gold bags, which it was easy for the latter to abstract in the cellar or vault, where he was superintending the deposits and the shipments of funds, when he was alone, by taking advantage of the absence of the Director and the *employés* of the bank, who had charge of the transfer of the bags.

Whereas, it is then proven that Sureau Delamirande has embezzled or fraudulently abstracted to the prejudice of the Bank of France, while he was the paid Cashier thereof, a total amount of seven hundred and four thousand two hundred and seventy-five francs, ninety-four centimes.

Whereas, Sureau Delamirande, in his capacity of Cashier, had to furnish the Director of the Bank, every evening, with a statement (*bordereau de situation*) signed by him, and in which he certified the state of the several safes of the Bank, indicating by their several values the sums contained in each of them, that is to say, in the safe for daily use, in a second safe called auxiliary safe and in the vault. That he has made that *bordereau* or daily balance sheet on the twelfth of March, 1866, a few hours previous to his departure, that thus, by handing on that said day, to the Director of the Bank a balance sheet certified true and signed by him, attesting that the totality of the cash of the Bank of Poitiers amounted to eleven millions, four hundred and forty-three thousand, five hundred and sixty-six francs, eighty-four centimes, while in reality the cash was lessened by the amounts embezzled or abstracted by him, he has been guilty of forgery in commercial or banking accounts, by fraudulently altering in the said balance sheet the declarations and facts which it was to contain and establish, and has besides knowingly made use of said forged statement by handing it to the Director, all in order to conceal the fraudulent subtractions and the embezzlement he had perpetrated.

Whereas, the said thefts and embezzlement commenced at a period long prior to the 12th March, 1866, Sureau Lamirande, in order to conceal them has constantly since then up to this last date of the 12th March, inserted in the daily balance sheets, made up and handed by him to the Director, the false declaration, that there was in cash a superior amount to that which was really there, which multiplies the forgeries which he has perpetrated.

The *Procureur Général* requests that it please the Court to declare that there is reason to arraign said Sureau Delamirande, *alias* Lamirande, Ernest Charles Constant, 42 years of age, former Cashier of the Branch of the Bank of France in Poitiers.

1. For having within ten years, at Poitiers, fraudulently abstracted sundry amounts of specie in gold or silver, in the vaults or cellar of the Branch of the Bank of France, and at the prejudice of that establishment.

For having perpetrated these fraudulent subtractions with the circumstance that he was the hired (*salaré*) Cashier, or hired employee (*homme de service à gages*) of that said Bank of France.

2. For having at Poitiers, within ten years, and namely on the 12th of March, 1866, embezzled or made away with, to the prejudice of the Bank of France, who was the owner thereof, funds and bills placed in the safe for daily use of the Branch of Poitiers, which had only been handed over and entrusted to him in trust, or by way of mandate, upon condition to return or account for them, or to use or employ them as he should be directed

For having perpetrated the embezzlement here above specified, under the circumstance that he was the Cashier or hired Clerk of the said Bank of France.

3. With having at Poitiers, on the 12th of March, 1866, fraudulently inserted on the balance sheet signed by him, which it was his duty to establish and to certify every day in his capacity of Cashier of the Branch of the Bank of France, in order to state the cash account of said Branch, the false declarations that the cash account on said day, amounted to eleven millions four hundred and forty-three thousand, five hundred and fifty-six francs, and eighty-four centimes, while it was in reality inferior to that amount, by all the sums abstracted or embraced by him, and having thus fraudulently altered the declarations and facts which this balance sheet was to contain and establish.

4. For having on the same day and at the same place made use of that forged document, knowing it to be a forgery when handing it over to the Director of the Bank of France in Poitiers, to establish the situation of the cash account of that establishment on the 12th of March, 1866.

5. For having at Poitiers, within ten years and previously to the 12th day of March, 1866, fraudulently inserted in several balance sheets signed by him, which it was his duty to establish and to certify every day in his capacity of Cashier of the Branch of the Bank of France, in order to state the cash account of said Branch, the false declaration that the cash account amounted to a sum superior to that which really existed, which was inferior to the figure indicated, by all the sums extracted or embezzled by him, and having thus fraudulently falsified the declarations and fact which those balance sheets were to contain and to establish.

6. For having at the same period and at the same place made use of those forged documents, knowing that they were forged, when handing them over to the director of the branch of the Bank of France, in Poitiers, in order to establish the balance sheet of that establishment on the days indicated.

Said documents and *réquisitoire* having been read by the Court in the presence of the substitute of the *Procureur Général* and of the clerk, have been left on the desk.

The substitute of the *Procureur Général* and the clerk having withdrawn.

The Court having deliberated thereon without leaving the court room, and without communicating with any one.

Whereas the acts in question are provided for and qualified crimes by the Articles 379, 386, 408, 147, 148, and 164 of the Code Penal, and that from the proceedings result charges and indications of culpability sufficient to cause the accused to be arraigned and sent before the assizes.

Adopting, moreover, the facts and motives enumerated in the *réquisitoire* of the *Procureur Général* hereabove transcribed.

Declares that there is cause to arraign Ernest Charles Constant Sureau Delamirande, *alias* Lamirande.

1. For having, within ten years, at Poitiers, fraudulently abstracted sundry amounts of specie in gold or silver, in the vault or cellar of the branch of the Bank of France, and to the prejudice of that establishment;

For having perpetrated those fraudulent abstractions with the circumstance that he was the hired (*salarié*) cashier or hired employee (*homme de service à gages*) of the said Bank of France.

2. For having at Poitiers, within ten years and namely on the 12th of March, 1866, embezzled or made away with, to the prejudice of the Bank of France, who was the owner thereof, funds and bills placed in the safe for daily use of the branch of Poitiers, which had only been handed over and intrusted to him in trust or by way of mandate, upon condition to return or account for them, or to use or employ them as he should be directed.

For having perpetrated the embezzlement herebefore specified under circumstance that he was the cashier or hired clerk of the said Bank of France.

3. With having at Poitiers, on the 12th of March, 1866, fraudulently inserted on the balance sheet signed by him, which it was his duty to establish and to certify every day in his capacity of cashier of the branch of the Bank of France, in order to state the cash account of said branch, the false declarations that the cash account on said day amounted to eleven millions four hundred and forty-three thousand five hundred and fifty-six francs eighty-four centimes; while it was in reality inferior to that amount, by all the sums ab-

stracted or embezzled by him, and having thus fraudulently altered the declarations and facts which this balance sheet was to contain and establish.

4. For having on the same day and at the same place made use of that forged document, knowing it to be a forgery when handing it over to the Director of the Branch of the Bank of France in Poitiers, to establish the situation of the cash account of that establishment on the 12th of March, 1866.

5. For having at Poitiers, within ten years and previously to the 12th of March, 1866, fraudulently inserted in several balance sheets signed by him, which it was his duty to establish and to certify every day, in his capacity of Cashier of the branch of the Bank of France, in order to state the cash account of said branch, the false declarations that the cash account amounted to a sum superior to that which really existed, which was inferior to the figure indicated, by all the sums abstracted or embezzled by him and having thus fraudulently falsified the declarations and facts, which those balance sheets were to contain and to establish.

6. For having at the same period and at the same place, made use of those forged documents, knowing that they were forged when handing them over to the Director of the Branch of the Bank of France in Poitiers, in order to establish the balance sheet of that establishment on the days indicated.

In consequence, sends said Ernest Charles Constant Sureau Delamirande *alias* Lamirande before the Court of Assizes of the Vienne, at Poitiers, in order to be tried according to the law.

With a view to which the *Procureur Général* will draw up the arraignment against him.

The Court orders, moreover, that all constables, (*huissiers*) or officers of the public force shall arrest Sureau Delamirande, *alias* Lamirande, Ernest Charles Constant, formerly cashier of the branch of the Bank of France in Poitiers, forty-two years of age, born on the 29th of October, 1823, at Corray (Vienne) residing latterly at Poitiers (and who has since absconded) to be directly brought to the Jail established near the Court of Assizes of the Vienne, in Poitiers, and entered in the jail book of the said jail, as accused of the Acts enumerated in part of the present decree, and constituting the crimes provided for and punished by the articles 379, 386, 408, 147, 148, 164 of the Code Pénal.

Thus adjudicated at the Imperial Court (*Chambre des Mises en Accusation*), at Poitiers, the 29th day of May 1866, by Messrs. Bounet, knight of the Imperial order of the legion of honor, President Gaillard, knight of the Imperial order of the legion of honor, Aubain, Parrault, Barbier, (this latter called in to complete the required number,) counsellors (*conseillers*), who have all signed the present decree as well as Mr. E. Marrot, chief clerk.

We summon and order all constables who will be so requested to execute the said decree, to all our *Procureurs Généraux*, and to our *Procureurs* near the tribunals of first instance to stand by it, to all the commanders and officers of the public force to give their help when they will be legally required to do so.

A correct and authentic copy delivered to the *Procureur Général* who has demanded it.

[L.S.]  
*Imperial Court of Poitiers.*

The Chief Clerk,  
E. MARROT.

Examined by us, Jean Baptiste Fortuné Fortoul, Knight of the Imperial order of the legion of honor, first president of the Imperial Court of Poitiers for legalization of the signature of Mr. E. Marrot, chief clerk of the said Court.  
Poitiers, May 31, 1866.

[L.S.]  
*Imperial Court of Poitiers,*  
*First Presidency.*

FORTOUL.

Examined by us, President of the *Chambre des mises en accusation* of the Imperial Court of Poitiers.  
Poitiers, May 31, 1866.

[L.S.]

ARMAND BOUNET.



*Imperial Court of Poitiers.*

Examined by us, Jean Fortuné Fortoul, Knight of the Imperial order of the legion of honor, first President of the Imperial Court of Poitiers, for legalization of the signature of Mr. Bounet, President de Chambre in said Court.

Poitiers, May 31, 1866.

[L.S.]

*Imperial Court, First Presidency,  
Poitiers.*

Transmitted the present arraignment to His Excellency the Keeper of the Seals, Minister of Justice and of Worship, by us, Procureur Général, near the Imperial Court of Poitiers.

Poitiers, May 31, 1866.

[L.S.]

The Procureur Général,  
DAMAY.

*Imperial Court of Poitiers,  
Procureur Général.*

Seen for the authentication of the above signature of Messrs. Bounet, Fortoul and Damay.

Paris, June 2nd, 1866.

By delegation of the Keeper of the Seals, Minister of Justice and Worship.

[L.S.]

*Keeper of the Seals, Minister  
of Justice and Worship.*

The chief clerk,  
CH. MAURAT-LAROCHE

The Minister of Foreign Affairs certifies as genuine the signature of Mr. Maurat-Laroche.

Paris, June 2nd, 1866.

[L.S.]

*Seal of Foreign Office*

By authorization of the Minister, for the Sub-Director Chief of the Chancellor's office.

DUBOIS.

Examined at the Legation of the United States of America at Paris, June 4, 1866. The signature of Mr. Dubois duly legalized.

JOHN HAY.  
Secretary of Legation.

[L.S.]

*Legation of the United States  
of America in France*

A true copy,  
W. H. Brehaut, P.M.

PROVINCE OF CANADA, }  
*District of Montreal.* }

POLICE OFFICE.

The deposition of Edme Justin Melin, *Inspecteur Principal de Police* of the City of Paris, in the Empire of France, now resident in the City of Montreal, in the District of Montreal, taken under oath this fourteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, at the Police Office in the Court House, in the City of Montreal aforesaid, by the undersigned, William H. Bréhaut, Esquire, Police Magistrate in and for the District of Montreal, in the presence of Ernest Sureau Lamirande, late of Poitiers, in the Empire of France, who is charged before me in a complaint brought before me under oath, in virtue of the provisions of a treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, and of the Statutes made and provided for that effect, of having com-

mitted at Poitiers, in the Empire of France, the crime following, mentioned and predicated in the said treaty between Her Majesty the Queen and the said King of the French; that is to say: That he the said Ernest Sureau Lamirande did commit the crime of forgery by having, in his capacity as cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of seven hundred thousand francs. The deponent, Edme Justin Melin, doth depose and say as follows:—

I produce the deposition of Henri Marie du Bois de Jansigny, Inspector of the Bank of France, residing at Paris, in the Empire of France, taken at the tribunal of Poitiers, in the office of the *Juge d' Instruction* on the second day of April, one thousand eight hundred and sixty-six. This deposition is marked with the letter C.

I know the signature of Monsieur Dubois, Principal Officer of the Court of Chancery, that of Monsieur Baroche, Minister of Justice in France; that of M. Drouyn de l'Huys, Minister for Foreign Affairs in France. The signatures affixed to the documents produced as aforesaid are certainly the signatures of the said Dubois, Baroche and Drouyn de l'Huys. I am familiar with the signature of Mr. Dubois, as I have often seen him write in my presence. I make oath that the signature affixed to the document is his. As to the others, I never saw them write their names, but I have often had in my hands documents and official writings signed by them.

And further the deponent saith not, and the foregoing being read to him hath signed.  
(Signed,) E. J. MELIN.

Sworn before me at Montreal, this four-  
teenth day of August, one thousand  
eight hundred and sixty-six. }  
(Signed,) W. H. BREHAUT, P.M.

The foregoing deposition having been made and read in the presence of the prisoner, Ernest Sureau Lamirande, he was asked whether he had any question to put to the witness, and he made answer, by his Counsel, Mr. Doutre, that he had none,  
(Signed,) W. H. BREHAUT, P.M.

Montreal, 14th August 1866.

A true Copy.

W. H. Brehaut, P. M.

C.

TRIBUNAL OF POITIERS, } The second day of April, one thousand eight  
Office of the *Juge d' Instruction.* } hundred and sixty-six.  
Before me, Alexandre Henri Jolly, *Juge d'Instruction* of the arrondissement of  
Poitiers, Department of Vienne, in my office at the Palais de Justice of Poitiers, assisted by  
Gustave Poncin, sworn Clerk.

Appeared, at my invitation, the witness hereinafter named, to whom I communicated the facts in relation to which he was called upon to testify.

The said witness having been introduced, out of the presence of the accused, and having been sworn to tell the whole truth and nothing but the truth, and required by me to state his name, age, profession and place of residence, whether he was a servant, relative or connection of the accused and in what degree, made answer and deposed as follows:—

DuBois de Jancigny, Henri Marie, aged 31 years, Inspector of the Bank of France, residing at Paris.

I was sent by the Governor of the Bank of France to enquire into the facts notified by the Director of the Poitiers Branch, in his despatches of the evening of the 13th March. These despatches notified the Bank Managers of the flight of Lamirande, cashier of the said Branch and of a deficit in specie of the value at the first moment of 190,000 francs. I reached Poitiers on Wednesday 14th March, at 5 P.M., and at once went to the offices of the Branch Bank, where Mr. Bailly, the Director, Mr. DeGretry, one of the Inspectors, and several of the *administrateurs* were completing the examination of the specie safe and

auxiliary cash, commenced the evening before. All attention was at that moment centred on the current cash, from which the Cashier drew at will for the requirements of the business, and the only division of which he has entire control, inasmuch as the Director has no key for that division.

Besides the outer doors which protect it, the iron safe is divided into three compartments, one above the other, and each closed by a little shutter also of iron, and furnished with a special lock. Thus you have the principal keys, namely, those of the outer doors, and three different keys for each of the outer compartments.

Now Lamirande, when starting, had taken care to leave with Mr. Queyriaux, book-keeper of the Branch, the keys required to open two of these compartments; the middle one containing a supply of notes of all denominations and specie sufficient to meet the needs of the business, and the lower one used for keeping securities upon which advances had been made, and commercial paper constituting the portfolio of the Branch. But the most essential key, that of the upper compartment containing the bulk of the notes and 17 bags of gold of 20,000 francs each, had not been found. This was certainly a very serious point as matters then stood, and gave rise to painful surmises in the minds of all. Fears increased as the extent of the specie deficit became known. For my own part, from the moment when I arrived and found that Lamirande had been forty-eight hours gone and that he had taken the precaution to leave all the keys except that of the very compartment containing the reserve notes amounting as they should to little short of 500,000 francs, I was convinced that the reserve had disappeared, and that Lamirande had taken all he could.

I had the door of the compartment forced open before the Director and the majority of the *administrateurs*, and we found that in truth all had disappeared save 40,000 francs, in notes of 100 francs, and the 17 bags of gold of 20,000 francs which appeared to be intact.

Thereupon resuming the work commenced by the Director, assisted by the Ministers of his Council, I engaged in an examination of the specie safe, the auxiliary cash and the current cash. The examination was minutely conducted by me in presence of the Director and with the assistance of the porters who weighed before my eyes all the gold and silver specie contained in the safe, as well in the auxiliary as in the current cash. I, myself, counted all the notes.

The balance sheet of the evening of the 12th March, the last Lamirande made and which is signed by him, could no longer tally with the cash in hand at the moment of my arrival on the evening of the 14th, inasmuch as notes and specie had been paid out and received during the days of the 13th and 14th. In order to ascertain rationally and with certainty the amount of the deficit, I was therefore compelled to take account of the business done on those two days, and found that, on the evening of the 14th the safes should have contained eleven millions two hundred and sixty-one thousand five hundred and thirty-three francs nine centimes, whereas in reality the sums I had found in notes, gold, silver and copper, the whole belonging to the Bank of France, amounted only to ten millions five hundred and fifty-seven thousand two hundred and fifty-seven francs and fifteen centimes, which constituted a total deficit of seven hundred and four thousand two hundred and seventy-five francs ninety-four centimes; namely, 219,004 francs, 30 centimes, missing in specie in the safe, and 485,271 francs, 64 centimes, missing in the current cash, the latter sum almost all in notes.

*Question.*—The questions about to be put to you are certainly not caused by any suspicion attaching to the Director; Mr. Queyriaux, the chief accountant, also enjoys an unblemished reputation; but you have just said what is easily understood, that you were not able to make out the state of the cash except as it was the moment of your arrival; now during the days of the 13th and 14th, Mr. Queyriaux mixed the funds he received with the funds he took from the deficient cash of the Cashier Lamirande: moreover, the two keys of the safe appear to have been from the evening of the 13th until the 14th at 4 o'clock, in the same hands, contrary to the rules; if the accused were present could he not throw back upon others a portion of the responsibility now laid upon him, and could you furnish us with the means of meeting that line of defence?

*Answer.*—The plea would have no value whatsoever in my opinion. I admit that, strictly speaking, it is possible to say that, on the morning of the 13th, Mr. Queyriaux availing himself of the funds placed at his disposal by delegation of the Cashier, may have

abstracted from the said funds some notes of one hundred and fifty francs, inasmuch as it was he alone who checked that portion of the current cash which Lamirande left him. But I meet this suspicion first, by Mr. Queyriaux's well-known honorable character, and next by the fact of the danger to which he would have exposed himself by diverting any of the cash. The Cashier had announced his return to make up his cash, and every one expected it. It was not until after four o'clock, that is to say, when business had ceased, that the conviction gained ground that Lamirande had fled.

Moreover, the essential thing in such cases is to have an exact starting point to serve as the basis of all operations, whatever may be their importance or their duration. I cannot assure you that Mr. Queyriaux counted all the notes and all this specie on the morning of the 13th, inasmuch as I was not there, but I can state that the officer handed me a statement, dated on the morning of the 13th, with details of the different denominations of notes, and shewing also the number of bags of gold and silver, as well as the gold and silver change in rouleaux and loose. Therefore, in my opinion, the examination of the moneys left at Mr. Queyriaux's disposal was made by him, if not rigorously, at least on a very close approximation, and while it may be true that the funds used in the operations of the 13th and 14th were drawn from or paid into a deficient cash, it is wrong to fancy that there could have been any difficulty or confusion whatsoever in the handling of the funds, inasmuch as the payments and receipts are set forth in the most concise and the clearest manner in authentic entries.

As regards the keys, the objection seems to me to be no better founded. I ascertained what occurred with reference to the duplicate key which opens the auxiliary cash and the safe, and I found by the evidence of Mr. Bailly, of Mr. Queyriaux, and of the porters of the Branch, that on Tuesday evening the key of the door leading to the auxiliary cash and to the safe had been locked up by Mr. Bailly, in the lower compartments of the current cash of which Mr. Queyriaux, Cashier *ad interim*, had taken the key, and that Mr. Bailly the holder of the other key which opens the auxiliary cash and the safe, had moreover shut the outer doors which cover all the compartments of the current cash and had kept the second key.

In this way, Mr. Queyriaux had one of the keys of the three divisions of the cash and Mr. Bailly the others. The rule had therefore been strictly observed.

*Question.*—You know that more than 400 bags of 1000 francs were found tampered with in the safe. Pieces of silver had also been substituted in the sacks of gold; state your opinion as to the manner in which the change was effected.

*Answer.*—It is impossible for me to admit that the alterations in the money bags were effected in the safe. It was necessary to have the bags a long time at one's disposal in order to empty them partially and clip them, and Lamirande was never left long enough alone in the safe to perform that operation. All the frauds must have been perpetrated in the cash-room, where Lamirande breakfasted every day. He had then full time to prepare his bags, as the book-keeper went out to breakfast at the same hour, and the porters never returned before one P.M.

The Director's office is separated from the cash-room by two large apartments, he could therefore hear the Director coming and hide.

He was also warned by the noise of footsteps, and of the entrance door which it was necessary to open when any one went to his cash-room to pay or receive. There was therefore nothing to prevent him from making these substitutions in his cash-room.

I believe, moreover, that it was easy for him to have the bags so tampered with removed to the safe or to the auxiliary cash. He often helped in carrying the bags, which was the exclusive duty of the porters. It was also in his power while transacting business in the safe, to put in his pocket a bag prepared beforehand, and containing silver coin, and substitute it in the safe for an untouched bag containing 10,000 francs in gold. I convinced myself of the possibility of this by going down into the safe with a bag in my pocket and going back with another containing 10,000 francs in gold.

As regards the date of the embezzlements to which you call my attention, I believe that the embezzlements of silver are far anterior to those of the gold. Thus the altered bags were in the sacks which had not been used for several years for the transmission of funds. The cloth was rotten, and it was impossible to open them and make them up again. Probably the bags of gold were tampered with by him only when he found it was

no longer possible to tamper with the silver. The bags of silver were the first tampered with, and probably four years ago. It is not nearly so long since the bags of gold were first tampered with.

*Question.*—Were the books kept by Lamirande regular and up to date? *Ans.* There was great disorder in all his accounts, I mean in an administrative sense, for the irregularities are only of a formal character. Lamirande should have kept a book intituled, “Journal de Caisse,” of which the pages are numbered and signed, and which should be checked every evening, or at latest on the following morning. Cashiers usually keep a blotter, which is simply a provisional cash book, and which they afterwards copy into the Journal, in order that the latter may be more neat. Now it was Lamirande’s duty to make this copy every evening, and he had not done it since the month of October last, the date of the inspector’s visit. What I have stated shews that the misappropriations of which Lamirande is accused cover a period of three or four years. He must each day, during these three or four years have furnished a false statement, each statement being attested by his signature, which seems to constitute so many forgeries in bank entries.

The above having been read, witness persisteth therein, and hath signed with us and the clerk.

The present copy transcribed on eight pages, and certified exact by us, the undersigned, Juge d’Instruction of the Arrondissement de Poitiers.

Poitiers, 27th April, 1866.

(Signed,) JOLLY.

[Seal.]

Examined for the legalization of the signature of M. Jolly, above.  
Paris, 30th April, 1866.

[Seal.]

By delegation of the Keeper of the Seals, Minister of Justice, and Worship.  
Le Chef de Bureau,  
(Signed,) CH. MAURAT-LAROCHE.

The Minister of Foreign Affairs certifies as genuine the signature of M. Ch. Maurat-Laroche.

Paris, 30th April, 1866.

[Seal.]

By authority of the Minister for the Sous-Directeur, Chef de la Chancellerie.  
(Signed,) DUBOIS.

[Seal.]

Examined at the United States Legation at Paris, 1st May, 1866.  
Good for the legalization of the signature M. Dubois hereunto.

(Signed,) JOHN HAY,  
Secretary of Legation.

[Seal.]

We, Keeper of the Seals, Minister Secretary of State, of Justice and Worship, certify to be true the signature of M. Jolly, Judge d’Instruction of the Tribunal of Poitiers, the said judge being empowered, under the laws of the Empire, to receive depositions and administer oaths to deponents.

Paris, 26th June, 1866.

(Signed,) V. BAROCHE.

[Seal.]

We, Minister, Secretary of State, Department of Foreign Affairs of France, certify as genuine the signature of Monsieur Baroche, Minister, Secretary of State, at the Department of Justice and Worship of France.

Paris, 28th June, 1866.

The Minister, Secretary of State, Department of Foreign Affairs of France.

(Signed,) DROUIN DE L’HUY.

LEGATION OF THE UNITED STATES,  
Paris, Empire of France, 29th June, 1866.

I, John Bigelow, Envoy Extraordinary and Minister Plenipotentiary of the United States to the Empire of France, do hereby certify that the foregoing deposition is legally and properly authenticated, so as to entitle it to be received as evidence by the tribunals of this country, as prescribed by the Act of Congress, approved June 22, 1860.

[Seal.]

(Signed,)

JOHN BIGELOW.

True Copy

W. H. Brehaut, P. M.

PROVINCE OF CANADA, }  
District of Montreal. }

POLICE OFFICE.

The Deposition of Abel Frederic Gautier, Consul General of France for the British Provinces of North America, residing at the City of Quebec, in the District of Quebec, taken under oath this 14th August, 1866, at the Police Office in the Court House in the City of Montreal, in the District of Montreal aforesaid, by the undersigned, William H. Brehaut, Esquire, Police Magistrate in and for the District of Montreal, in presence of Ernest Sureau Lamirande, late of Poitiers, in the French Empire, who now stands accused before me upon a complaint made before me under oath, under the provisions of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, and of the Statutes in such case made and provided, of having committed at Poitiers, in the French Empire, the following crime, mentioned and provided for by the said treaty between Her Majesty the Queen and the said King of the French, namely:—

That the said E. S. Lamirande did commit the crime of forgery, in that, in his capacity as Cashier of the Branch of the Bank of France at Poitiers, he did make false entries in the books of the said Bank, and by that means defrauded the said Bank of the sum of seven hundred thousand francs.

The deponent, Abel Frederic Gautier, deposeth and saith:

I am the sole agent of the French Government in the five British Provinces of North America. Having examined the document marked C, I declare that the signature of Drouyn de L'Huys is that of the Minister of Foreign Affairs of France, head of the department with which I am connected. Judicial documents generally are not signed by the Minister himself, it is an exception, and in order to give it additional importance, that the Minister of Foreign Affairs has signed this document.

The signature of Mr. Dubois is also quite familiar to me, and all our foreign agents are instructed to legalize it. I know the signature of Mr. Bigelow, Minister of the United States in France. I now produce a document marked D, at the foot of which is affixed the signature of Mr. Dubois. I acknowledge it to be perfectly authentic, and I am prepared to certify to the signature of Mr. Drouyn de L'Huys and to that of Mr. Dubois, officially, and to affix my seal thereto. The foregoing relates to the two documents produced.

And further deponent saith not and hath signed, the foregoing deposition having been previously read to him.

(Signed,)

FRED. GAUTIER.

Sworn before me, at Montreal, }  
this 14th August, 1866. }

(Signed,)

W. H. Brehaut, P. M.

The foregoing deposition having been made and read in the presence of the prisoner, Ernest Sureau Lamirande, he was asked whether he had any questions to put to the witness? And he made answer that he desired to put to him the following questions by his Counsel, Mr. Doutre:—

*Question.*—Where and how are the functions you discharge in Canada defined? *Ans.* They are defined by hundreds of dispatches, instructions and circulars transmitted to me by my Department.

*Question.*—What difference is there between the functions of a Consul General and those of a diplomatic Agent? *Ans.* Diplomatic agents are charged with the political relations between two countries. It is they who conclude and sign treaties, and, as I have just said, everything connected with the political relations of the country where they reside with France. Consuls General have nothing to do with such questions, their duty is merely to keep their Government advised of the state of affairs in the country where they reside, and to lend the aid of their official position to French interests.

*Question.*—After what you have stated do you consider that you are here a diplomatic agent of the French Government? *Ans.* No, and I have never assumed that title.

*Question.*—Do you know at whose instance the Governor General issued the warrant in the hands of the Police Magistrate before whom we are proceeding at this moment? *Ans.* At mine.

*Question.*—Was the extradition of the prisoner demanded of His Excellency the Governor General by any representative of the French Government other than yourself? *Ans.* No, not to my knowledge.

*Question.*—How did His Excellency's warrant reach W. H. Brehaut, Esq., Police Magistrate, before whom we are proceeding? *Ans.* The warrant was addressed to me to Quebec by the Provincial Secretary. I received it on the 3rd August, and as I had then learned the arrest of the prisoner I brought it to Montreal myself and gave it to Mr. Pomville to use it as he might think proper. The warrant now shewn me is precisely that which was sent to me by the Provincial Secretary.

*Question.*—Have you ever seen Mr. Drouyn de L'Huys, Minister of Foreign Affairs in France, Mr. Dubois, Chef du Bureau de Chancellerie, referred to in your examination in chief, and Mr. Bigelow, Minister of the United States in France, sign their names?

*Ans.* No, but I can produce twenty despatches sent to me personally by Mr. Drouyn de L'Huys; M. Dubois' signature has been officially transmitted to me so that I can certify to it under any circumstances.

The prisoner declared that he had no further questions to put to deponent, whereupon the examination was closed, and the foregoing having been read, deponent hath signed.

(Signed,)

FRED. GAUTIER.

Taken and acknowledged before }  
me, this 4th April, 1866. }

(Signed,)

W. H. Brehaut, P. M.

(A True Copy.)

W. H. Brehaut, P. M.

## D

## PROCES VERBAL OF SEIZURE OF "PIECE DE CONVICTION."

The 29th March, one thousand eight hundred and sixty-six.

I, Alexandre Henri Jolly, Juge d'Instruction of the *arrondissement* of Poitiers, assisted by M. Gustave Poncin, my Clerk.

In view of the proceedings had against Lamirande, accused of embezzlement to the prejudice of the Poitiers Branch of the Bank of France.

Whereas it appears from the *Instruction* that the accused, in his capacity of cashier, signed each day at 4 o'clock, sometimes at 5 o'clock, after the close of the operations of the Branch, a statement of the situation of the cash;

That on the 12th March, 1866, he signed a statement from which it appeared that the safe contained eight hundred and fifty bags of silver of 1,000 francs each, and thirty-six bags of gold of 10,000 francs each; that the auxiliary cash contained, in notes, and specie, eight millions eight hundred and ten thousand and eleven francs, and that the current cash contained in bills 832,300 francs, and in specie 503,709 francs, 54 centimes;

Whereas abstractions were for a long time committed in the safe and previous to the preparation of the statement, of which an analysis has just been given, in the current cash,

and whereas the accused did as a consequence in his capacity as Cashier, alter the accounts of the Bank, or affirm, by his signature a falsified statement, and it is in consequence important to seize the statement in question as documentary evidence. We proceeded as has been stated, to the Branch of the Bank of France, and we received from the hands of Mr. Bailly, Director, the statement spoken of, which was signed, *ne varietur*, by him and by our Clerk.

We declared the said document seized, to be deposited in the office of the Tribunal, and serve *ce que de droit*.

And the foregoing having been read, we have signed with the Director and our Clerk as follows: Bailly; Jolly, Juge de Instruction; Poncin, Clerk.

The copy is certified in conformity with the original by the undersigned Juge d'Instruction.

The present copy, transcribed on one page and a half, is certified exact by the undersigned, Juge d'Instruction of the arrondissement of Poitiers.

Poitiers, 26th April, 1866.

[Seal.] (Signed,) JOLLY.

Seen for legalization of the signature of Mr. Jolly, herein attached.

Paris 30th April, 1866.

By delegation of the Keeper of the Seals, Minister of Justice and Worship.

[Seal.] Le Chef de Bureau,  
(Signed,) CH. MAURAT-LAROCHE.

The Minister of Foreign Affairs certifies as to the signature, Ch. Maurat-Laroche.

Paris, 30th April, 1866.

[Seal.] By authorization of the Minister, for the Sous-Directeur, Chef de la Chancellerie.

(Signed,) DUBOIS.

Seen at the Legation of the United States of America at Paris, 1st May, 1866. Good for the legalization of the signature of Mr. Dubois herein.

(Signed,) JOHN HAY,  
Secretary of Legation.

[Seal.]

A true copy,

W. H. Bréhaut, P. M.

PROVINCE OF CANADA, }  
District of Montreal, }  
City of Montreal. }

POLICE OFFICE.

Ernest Sureau Lamirande, heretofore of Poitiers, in the French Empire, now in the City of Montreal, in the said District, was accused this day before the undersigned, W. H. Bréhaut, Esquire, Police Magistrate in and for the District of Montreal, the fifteenth day of August, in the year of Our Lord 1866, of having, the said E. S. Lamirande, on the 12th day of March last, at Poitiers, in the French Empire, committed the crime of forgery, in that he in his capacity as cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the said Bank, and by that means defrauded the said Bank of the sum of 700,000 francs in contravention of the law, and the said accusation having been read to the said E. S. Lamirande, and the witnesses in the matter, Edme Justin Melin, Louis Léonce Coudert, Frédéric R. Coudert and Abel Frédéric Gautier having been interrogated separately in his presence, I addressed the said E. S. Lamirande as follows:—  
“Having heard the evidence, do you desire to say anything in reply to the accusation? You are not obliged to answer to it unless you are quite willing; but everything you say will be put in writing, and may be used as evidence against you on your trial.” Thereupon the said E. S. Lamirande spoke as follows: “My Counsel have advised me to say nothing.”



And further the said accused saith not and hath signed, the foregoing having been read in his presence:

Taken before me at the City of Montreal, } (Signed,) E. S. LAMIRANDE.  
the day and year hereinabove named. }

(Signed,) W. H. BRÉHAUT, P. M.

A true copy,  
W. H. Bréhaut, P. M.

—  
\$2,000 REWARD

Will be paid for the re-arrest of one Ernest Sureau Lamirande, who escaped from the custody of a Deputy Marshal of the United States, on the 3rd of July, instant.

He is of a dark bilious complexion, about five feet six inches high, slight built, very dark eyes, black hair, slightly touched with gray; had one tooth decayed and partly broken on the left side of the upper jaw; wore a full beard at the time of his escape, and was dressed in black; speaks no English.

Apply to Coudert Brothers, No. 49, Wall Street, New York.

A true copy,  
W. H. Bréhaut, P. M.

PROVINCE OF CANADA, } Defence.  
District of Montreal. }

—  
POLICE OFFICE.

The Deposition of Charles L. Spilthorne, Esquire, Advocate, of the City of New York, in the State of New York, one of the United States of America, now in the City of Montreal, in the District of Montreal, taken under oath this 20th day of August, A. D., 1866, at the Police Office, in Court House, in the City of Montreal aforesaid, by the undersigned, William H. Bréhaut, Esquire, Police Magistrate, in and for the district of Montreal, in presence of Ernest Sureau Lamirande, late of Poitiers, in the French Empire, who is now accused before me on an information laid before me on oath, in virtue of the provisions of the Convention made between Her Majesty the Queen of Great Britain and Ireland, and His Majesty the King of the French, and of the Statutes in such case made and provided, of having committed at Poitiers, in the French Empire, the following crime, mentioned and provided for in the said Convention between Her Majesty the Queen and the said King of the French, namely:—

That the said Ernest S. Lamirande did commit the crime of forgery, in that in his capacity of Cashier of the Branch Bank of France, at Poitiers, he made false entries in the books of the said Bank, and by that means defrauded the said Bank of the sum of seven hundred thousand francs.

Deponent, Charles Spilthorne, deposeth and saith as follows:—

I was employed as one of the advocates of the prisoner at New York, when his extradition was there demanded, from the commencement of proceedings for his extradition in April last, until the date of his departure from New York, which I understood to be the 3rd July last. The document produced, marked B, being shewn to me, I cannot well say whether I saw that document in New York, amongst the papers produced before Commissioner Betts, before whom proceedings for the extradition of the prisoner were being had.

*Question.*—Have you seen the document of which the paper marked B purports to be a translation? *Ans.* I saw a document on the table near which Mr. Betts the Commissioner sat, relating to the matter, which it was pretended was a copy sent from Poitiers in France, of a pretended writ, from the Board of Indictment of Poitiers. The document was written in French. It was, I think, then called *l'Acte d'Accusation*, indictment in English. So far as I can remember it must have been an indictment (*arrêt de renvoi*). It is very

difficult to say whether it was the same document which has been designated *arrêt de renvoi* before this Court, and of which it has been pretended that the document B was a translation. There was but one document of this kind produced before Commissioner Betts at New York, and that must be the one of which it has been pretended that document B was a translation.

*Question.*—Was that indictment—that in the French language—admitted at New York by the Commissioner, as authentic conformably to the French law or to the Extradition Treaty?

(Objected to on part of the Crown. Objection sustained.)

*Question.*—State what you know of document B, and of the document of which it purports to be a translation?

*Answer.*—It had been announced that there were to be communicated to Mr. Betts, to be produced before Mr. Betts' Court, a certain number of documents, amongst which was said to be this pretended indictment, of which translations were said to have been made, these documents were marked by Mr. Betts, *ne varietur*, for I must explain, that although a judge marks a document, it is not a proof of its reception, and it is in fact the habit in New York to have them marked before they are offered in evidence. There was a pretended translation of the said indictment, in which translation were several blanks, and it was remarked that that translation could not be received, inasmuch as it was not intelligible. The prisoner's Counsel then objected to the admission of these documents on the part of Commissioner Betts, and thereupon it was decided by the Commissioner that the document should remain in the Court, saving any subsequent objection, for verification. We then asked for delay, and as the prosecution were anxious to push on the proceedings, Mr. Betts offered to let me take the pretended indictment and let me examine it well so as to compare it with the translation. I do not very well remember whether I took the document with me or not. At the next hearing Mr. Lamirande had left; nothing more was then said, but none of the documents there produced, the pretended indictment and the pretended translation included, were definitively admitted or received as duly authenticated evidence by Mr. Betts. Mr. Betts had already previously rejected the copy of the deposition of the Director of the Bank of Poitiers as not being duly authenticated, and the indictment as well as the other documents produced, were authenticated exactly as the document which had been rejected. Thus the copy of the indictment received from France as well as the pretended translation were not admitted as evidence, the translation was declared by the defence incorrect, owing to the blanks found in it, and other terms which appeared to be incorrect. Speaking of the blanks, Mr. Coudert then said he had left the blanks because he had been unable to translate the French terms. No expert was examined for the verification of the translation, as is usually done in New York. As Lamirande was gone, and the affair postponed by Mr. Betts until the 2nd of September following, in the event of his being re-taken, I did not take any further steps in the prisoner's case until I came here. Ten or twelve days ago Mr. Coudert came to my office; he told me he had been to Mr. Betts' office to see if he could not find the pretended indictment which he had sought for in his own papers, and that he had not found it; that he came to see if it were not in my files. I told him I was on the point of removing, and that I had put my papers into trunks at home, where Lamirande's papers were. I told him I did not well know whether I had had the document, but that my impression was that I no longer had it in any case, because it seemed to me I had seen it at the Court at the last hearing. Mr. Coudert asked me to go at once to my house to see. I could not do so, as I had several clients come to consult me, who were hurried. I said that I would see, that I would examine my papers and I would tell him the result on the following day, and that if I found the document and could hand it over to him I would do so. I added that he would do well to go to the house of Mr. Betts himself, who was in the country, who had already several times taken the papers with him to his house, and that if I did not find it it must be there. Mr. Coudert answered me that he had no time, and that he was convinced I should find it. I made search everywhere and did not find the document. On the following day I went to see off a Judge of the Superior Court who was going to England, and I sent word to Mr. Coudert by one of the clerks that I had not found the document, that I would make a further search, and that I would hand it to Mr. Betts, to whom alone I could give it, for Mr. Coudert had no authority, and had shewn me none

For obtaining the document in case I should find it. I should have been wanting in every duty in handing it over to him. I went of my own motion to Mr. Betts' Court to see if he were there, and to ask him if he had the document, and in case I found it what I should do with it. He was not there, it was said that he was in the country and would not be back before September next. Mr. Coudert manifested the intention of bringing the document here to Montreal, and of thus taking it from the Court to which it belonged, and should I have rendered myself, in case I had it, an accomplice in crime, by handing over for that purpose the document to Mr. Coudert. I could give it up to no one but Mr. Betts, if it had been in my possession.

*Question.*—Do you know French law in general, and specially in so far as regards the mode of authenticating documents in France?

Objected to by the Crown. Objection overruled.

*Answer.*—Yes. I am a Frenchman by birth, I made part of my course of law in Paris. I have acted in many cases in France. I was admitted to the bar in Belgium, where I practised for over twenty years as an Advocate. With some few exceptions, the French and Belgian codes are the same.

*Question.*—Is the document marked B so authenticated as to justify the arrest of the delinquent therein named in France, on the same accusation? *Ans.* In France delinquents are arrested solely on the originals. If the originals are wanting, there is a clause in the code of criminal indictment which provides for the case. These provisions are contained in articles 521, 522, 523 and 524. Article 521 contains the following provisions: "Whenever, by the effects of a fire, of an inundation, or of any other extraordinary cause, the originals of writs issued in criminal or correctional matters and not yet executed, or in processes as yet undecided, shall have been removed, carried off or lost, and it shall not have been possible to recover them, the matter shall be proceeded with as follows:

"Article 522.—If a duplicate or authentic copy of the writ exist, it shall be deemed an original, and in consequence placed in the place set apart for the deposit and conservation of writs. To that end any public officer, or any individual being the depository of a duplicate or authentic copy of such writ is bound under pain of arrest to return the same into the Court whence it issued, on being ordered so to do by the President of the said Court. Such order shall serve him as a discharge as to parties having interest in the document. The depository of such duplicate or authentic copy of the original destroyed, removed or lost, shall be entitled, on returning the same into the place of public deposit, to receive a duplicate thereof without cost.

"Article 523.—When in any criminal matter there shall no longer exist a duplicate or authentic copy of the writ, if the decision of the jury still exist in the original or an authentic copy, after a declaration to that effect, the Court shall proceed to a new judgment.

"Article 524.—When the declaration of the jury cannot be presented, or when the case shall have been judged without a jury, and no other, in writing, exists, the Instruction shall be re-commenced from the point at which the documents shall be found to be wanting as to the originals, duplicates and authentic copies."

*Question.*—How must the depositions of witnesses be signed in order to possess any value in France?

Objected to by Crown. Objection overruled.

*Answer.*—Under Articles 75 and 76 of the Code of Criminal Instruction, the following formalities are requisite:—"Article 75.—Witnesses shall make oath to tell the whole truth and nothing but the truth. The Judge of Instruction shall ask them their names, surnames, age, condition, profession, residence; whether they are servants, relations, or connexions of the parties, and mention shall be made of the questions asked and of the answers of the witnesses.

"Article 76.—The depositions shall be signed by the judge, by the Clerk, and by the witness, after the same shall have been read, and the witness shall have declared that he persists therein. If the witness is unwilling or unable to sign, mention shall be made thereof. Every page of the scroll of information shall be signed by the Judge and by the Clerk."

Article 74 of the same code enacts as follows: "They (meaning the witnesses) before

"being heard, shall present the summons served on or delivered to them to deliver their testimony, and mention shall be made thereof in the *procès-verbal*." I ought to add that the witnesses here meant are those heard before the Judge of Instruction.

*Question.*—According to your knowledge of French law, could a bailiff or other officer of the executive power arrest a delinquent in France, in virtue of a document such as that marked B.

Objected to by the Crown Prosecutor, and his objection sustained.

*Question.*—Will you cite the text of article 147 of the Penal Code of France mentioned in the document B? *Ans.* Article 147 of the Penal Code of France says: "All other persons who shall have committed forgery in authentic or public documents in writing, or in commercial or Bank transactions, either by counterfeiting or altering writings or signatures, by fabrication of agreements, provisions, obligations, or discharges therefrom, or by the insertion thereof after execution of such Acts, or by the addition or alteration of clauses, declarations, or matters of fact, intended to be admitted and recorded in such Acts, shall be punished by hard labor for a term."

*Article 148.*—In all the cases mentioned in this paragraph, the person who makes use of forged documents shall be punished by hard labor for a time.

*Question.*—Do articles 379, 386, 408, and 164 of the Penal Code of France relate to the crime of forgery? *Ans.* No, Article 379 relates to theft; article 386 also relates to theft, with aggravating circumstances. Article 408 relates to embezzlement, article 164 relates to an accessory punishment for the crime of forgery.

*Question.*—According to your knowledge of French law, does the crime of forgery result from the facts recorded as follows in the document B. page 73, "With having at Poitiers, on the 12th of March, 1866, fraudulently inserted on the balance sheet signed by him, which it was his duty to establish and to certify every day in his capacity of Cashier of the Branch of the Bank of France, in order to state the cash account of said Branch the false declaration that the cash account on said day amounted to eleven millions, four hundred and forty thousand, five hundred and fifty-six francs, eighty-four centimes, while it was in reality inferior to that amount by all the sums abstracted or embezzled by him, and thus fraudulently altered the declaration and facts which this balance sheet was to contain and establish?"

*Question.*—Have you had with Mr. Edme Justin Melin, Agent of Police, who made a deposition in this matter, any conversation relative to the conversations held by him with the prisoner at New York on the subject of the charge of forgery brought against the prisoner? If you have, repeat what he said to you? *Ans.* Yes, I had, this is what I know relative to that. Mr. Melin, I myself, and Mr. Betts were together at Delmonico's, I remarked to Mr. Melin that the prisoner had done wrong in leaving England, as being there he could not have been delivered up for any crime but murder, forgery, and fraudulently bankruptcy, and that certainly he could not be charged with any of those. Mr. Melin said that in fact none of these charges could exist against the prisoner, but that he would have found a way to get Mr. Lamirande in England, that he knew his trade pretty well, that he was a man-catcher, that he would follow his game by all kinds of means, and that he would bring it to the spit (*qu'il le mangerait*) meaning by that, that he would get his reward. Mr. Lamirande loudly protested that he had never committed an act of forgery. When the charge of forgery was first broached in Court before Mr. Betts, Mr. Lamirande protested in the most energetic manner that it was infamous, that he had never committed forgery, and that it could never be proved against him. This he said in the presence of Mr. Melin and many others. When the pretended indictment was produced. Mr. Lamirande loudly declared that he could not believe his eyes, and I for my part added, that I did not think there existed in France magistrates capable of finding an act of forgery in the whole affair, quite the contrary, unless the intention was to play in this Lamirande business the same trick which was played nine years before in the matter of Carpenter, Grelet, Parrot and others, in which I was counsel, and Mr. Betts, Commissioner, in which not being able to obtain extradition on the charge of *burglary*, the prisoners had been charged with forgery in order to obtain their extradition with greater certainty, whereupon the extradition of Grelet had been secured, though he had never been either accused or convicted of forgery in France, but convicted of a breach of confidence, which was no ground of extradition. I

requested Mr. Betts to pay particular attention to this point, if this charge was brought before him, the more especially, I said to Mr. Betts, as the charge of embezzlement on the ground of which the extradition of Mr. Lamirande was demanded, was in the eyes of American law, no ground of extradition of a person in Mr. Lamirande's position. Thereupon Mr. Coudert, who has made a deposition here, and who was the principal counsel in the management of the affair, declared that he understood my meaning, and that it was by no means his intention to claim the extradition of Mr. Lamirande on the charge of forgery, and even that he expressly renounced such a plea. It was understood that no mention should be made of forgery. Mr. Melin was present and heard the protest of M. Lamirande. An ex-attorney of the French King was present, and gave his evidence in the affair on the part of the defence, and declared that he could not understand how such a decision could have been come to by French magistrates in so clear a case, in which forgery was impossible. Mr. Melin himself said, like the good fellow he is, that it was absurd, that there was no forgery in the business.

*Question.*—Are you aware that after the copy of the indictment of which the paper B is assumed to be a translation, arrived at New York, Mr. Melin had any conversation in the prison with the prisoner, and do you know that the prisoner may have had such conversation with Mr. Melin on the subject of forgery, after the conversation which you have just repeated? *Ans.* As to the possibility I can say nothing, but as to the moral meaning of what passed I can explain. When proceedings were commenced before Mr. Betts in the month of April, there was no question of an indictment for forgery, nor of forgery at all; no one had uttered a word about it. So far from it that in the deposition of the Director of the Bank at Poitiers (who was with Mr. Lamirande at Mr. Betts' with a warrant ascribed to Jolly, Judge of Instruction at Poitiers, as also in a complaint entered before the Procureur Imperial at Poitiers, and in a complaint of the French Consul General at New York, all lodged with Mr. Betts for the arrest of Mr. Lamirande, it was expressly declared that though the Bank might be defrauded by the alteration of writing, such was not the case with Lamirande. In the warrant issued by the said Judge of Instruction, as also in the complaint entered before the Procureur Imperial, not a word was said about forgery, but the arrest of Mr. Lamirande was ordered on the mere charge of embezzlement of money, citing articles 379 and 408 of the Penal Code of France which relates only to theft and embezzlement of money. Up to that time nothing had been said to Mr. Lamirande about forgery, for nobody had any knowledge of it. I mean till the time when Mr. Lamirande first appeared before Mr. Commissioner Betts. I and the other legal advisers of Mr. Lamirande then prohibited him from receiving Mr. Melin any more, or speaking to him in private. Mr. Melin himself has declared that Mr. Lamirande refused to receive him again, and our refusal was founded on the fact that Mr. Melin by promises and insinuations had endeavored to draw from Mr. Lamirande admissions unfavorable to his position. Mr. Melin himself admitted to me that he had told Lamirande that if he would confess everything and go back (to France) he would be punished more lightly; that his father and his relations were in prison in Poitiers; but Mr. Melin added, that he said this out of kindness towards the prisoner.

The deponent saith nothing further for the present. His deposition is discontinued till to-morrow at eleven o'clock forenoon, and foregoing being read hath signed.

(Signed,)

C. L. SPILTHORN.

Sworn, taken and acknowledged before me at )  
 Montreal, this twentieth day of August, )  
 one thousand eight hundred and sixty-six. )

(Signed,)

W. H. BREHAUT, P. M.

On this day, being the twenty-first of August in the year of our Lord one thousand eight hundred and sixty-six, again appeared the above named deponent, before the undersigned, W. H. Brehaut, Esquire, Police Magistrate in and for the District of Montreal, and being sworn in presence of the prisoner, Ernest Sureau Lamirande, his deposition was resumed and continued as follows:—

I declare, moreover, as I have before stated and now depose, that it is not true that I have sworn and told the witness Coudert that I would restore the document termed the

indictment if I found it. I never make use of such expressions. This is what I said to him and this only; namely, what I deposed yesterday. Neither is it true, as the same person, Mr. Coudert deposed, that I asked Mr. Betts for the said document to carry it away with me, and if I did take it away with me, which I do not remember very exactly to have done, it was Mr. Betts himself, who delivered it to me voluntarily. So far was I from asking for it or taking it away that in order to verify the pretended translation, offered by Mr. Coudert, Mr. Clinton and myself prayed that the matter might be postponed in order to verify the said translation as also the other translations offered with the documents which it was alleged had come from France, including the pretended indictment in Mr. Bett's office, and it was on that occasion and for that reason that on Mr. Coudert's urging the prosecution of the affair in order not to lose any time, Mr. Betts, unasked, offered me the document to take it home with me, and neither is it true, as Mr. Coudert has alleged in this place, that either he or his brother made the least objection, and I said that I would even prefer a great deal to verify the documents in Mr. Bett's office.

*Question.*—In the case of a charge of forgery in France, is it necessary, in order to sustain it, that the document alleged to be forged should be produced?

Objected to on behalf of the Crown and the objection sustained.

*Question.*—Did Mr. Melin yesterday, after the conclusion of the deposition he had heard you make, speak to you concerning it, and if he did, please to repeat what he said?

Objected to on the part of the Crown, and the objection sustained.

*Question.*—Did Mr. Melin, yesterday, after the close of your deposition, tell you that you had exactly repeated the conversations you had had with him in New York?

Objected on the part of the Crown, and the objection sustained.

The Counsel for the prisoner declared that he had no more questions to put to the witness produced by him; the said deposition was read to the deponent, who affirms its truth and hath signed.

(Signed,)

C. L. SPILTHORN.

Sworn, taken and acknowledged before me, at  
 Montreal, this twenty-first day of August,  
 one thousand eight hundred and sixty-six.

(Signed,)

W. H. BREHAUT, P. M.

The preceding deposition having been read in presence of the prisoner, Ernest Sureau Lamirande, Mr. Pominville, counsel for the prosecution, declares that he is desirous of putting to the witness the following questions in cross-examination:

*Question.*—Did you act in defence of the accused party, Mr. Lamirande, at New York, during the whole continuance of the proceedings for his extradition? *Ans.* Yes.

*Question.*—Who were acting jointly with you in the defence of the accused party? *Ans.* Mr. Clinton and Mr. Stalrecht.

*Question.*—In how long a time, after the arrest of Mr. Lamirande, were you retained to defend him? *Ans.* From the time of his arrest to the time of his departure, and even on the fifth of July, as I went to the Court, and he was not present. I now recollect that some time previous to his arrest, as a step to his extradition, I had been consulted by him. Lamirande had been arrested on a charge of alleged embezzlement of money, at first in the name of a banker of Paris, from whom it was charged that he had taken the money, and afterwards they proceeded on the same charge in the name of the Bank of France, from which it was alleged that he had embezzled the same moneys. The brothers Coudert were the Counsel on behalf of the Bank of France, and I had been consulted by Lamirande in the case. This was in the civil proceeding.

*Question.*—By the answer which you have just given, are we to understand that the accused Lamirande was arrested twice? *Ans.* The accused party, Lamirande, was arrested first, civilly, and subsequently, if I recollect aright, twice. That is to say, he had been arrested in the first instance, and while in prison he received notice that he was arrested again, a second time. I cannot say exactly whether he was arrested twice by civil process, but very certainly he was so arrested once, and it was while he was thus incarcerated by civil process, that an order of arrest was issued against him, with a view to his extradition, on the ground of embezzlement of money from the Bank of France.

*Question.*—Then it was in the matter of the warrant issued against him for embezzle-

ment of money, and in the process for the extradition of the accused that you acted as Counsel in his defence? *Ans.* I acted as his Counsel both in the civil process, and also in the proceeding for his extradition.

*Question.*—Tell us in how long time after the arrest of Lamirande you saw him for the first time? *Ans.* He had been under arrest by civil process for some time, when I saw him, and was consulted by him for the first time. Perhaps eight, ten, or fifteen days after [his arrest], perhaps more, perhaps less, I cannot exactly say.

*Question.*—Is it not true that the demand for the extradition of the accused Lamirande, at New York, was founded on the embezzlement of moneys of the Bank of Poitiers, and on the crime of embezzlement, and on that only? *Ans.* I know of no other [ground of a] demand for extradition against Mr. Lamirande, than that of embezzlement, and I cannot term here, not having done it at New York, the alleged embezzlement, in the French language, a crime either in France or in the United States, but simply an offence in the case of Lamirande.

*Question.*—How long did the proceedings for the extradition of the accused, Lamirande, continue before Mr. Commissioner Betts? *Ans.* I cannot exactly state the day of the month of April that the proceedings commenced, but it was in the month of April, and they continued to the fifth of July, after the escape of the accused.

*Question.*—During the course of the enquiry (*instruction*) in the proceedings for the extradition of the accused, Lamirande, it is not true that a certain number of documents were exhibited before Mr. Commissioner Betts, on which he (the Commissioner) wrote his initials? *Ans.* I think there were.

*Question.*—Observe the document B here produced in this matter and say whether you find written upon it the initials of the said Mr. Commissioner Betts. *Ans.* I see E.A. and B., I cannot certainly make oath that they are the initials of Mr. Betts, but I have my doubts whether they are or not, as it seems to me according to the initials which I have seen of Mr. Betts, (but I have not seen them often) they were more plainly and firmly written, I can give no certain information concerning them.

*Question.*—Can you make oath that the initials on document B are not the initials of Mr. Commissioner Betts? *Ans.* I can say nothing about it.

*Question.*—When that document was produced before Mr. Commissioner Betts, did Messrs. Clinton and Stalnecht make any abjection? *Ans.* I do not remember that that document was ever produced before Mr. Commissioner Betts, for I never read it or saw it there myself, but I do know that when pretended translations of the document were produced, which Coudert has here termed the indictment, these translations contained blanks as I before said in my first examination, and that Mr. Clinton and I opposed and objected to the admission of them; both of the pretended documents which came from France and of the said translation of the same. As to Mr. Stalnecht, I think he was not in Court, as he did not go there always.

*Question.*—Do you know the difference between an indictment (*arrêt de renvoi*) and an act of accusation? *Ans.* Yes; the Indictment is rendered by the *Chambre* of the *mises en accusation* after the instruction and investigation of the charge brought against the accused. When the accused party is present, the Court is generally more circumspect and enters more into details than when he is absent, and when he is absent the enquiry is generally slighter. The act of accusation is a writing made after the indictment which the Attorney General is directed to draw up, and it is upon this act of accusation which is signified (communicated) to the accused party and which is read in the Court of Assizes before the Jury, that the criminal proceeding against the accused party is founded.

*Question.*—Does not the Indictment contain all the charges laid against the accused? *Ans.* Generally, nevertheless, if other facts come out before the Court of Assizes besides those contained in the Indictment, the Court of Assizes often assumes the right to take cognizance of them.

*Question.*—Is it not true that at New York during the instruction (investigation) for the extradition of the accused, Lamirande, some French Advocates were consulted, on behalf both of the prosecution and of the defence relative to the legalization of documents which had come from France and which were exhibited in the proceedings? *Ans.* Yes.

*Question.*—Is it not the case that despite the opinions expressed by the Defender of the accused Lamirande, the French Advocate who appeared on the part of the defence

declared that the documents produced were sufficiently legalized? *Ans.* If I remember correctly, be declared the contrary—that they were not so.

*Question.*—Can you swear that that French Advocate examined on behalf of the defence, declared that those documents were not sufficiently legalized to be admitted before the French tribunals? *Ans.* To the best of my recollection he said, that for a legalization to be valid it should contain what M. Merlin sets forth in the *Répertoire de Jurisprudence*; and as they did not contain those requisites, he stated that they were not sufficient as legalization.

*Question.*—Was the French Advocate consulted on behalf of the prosecution of the same opinion as he of whom you have just spoken? *Ans.* I do not recollect very exactly what he said, but from what I do remember of what he said, being cross-examined, he stated that in France no action could be taken except upon original documents which then did not require to be legalized in their jurisdiction. I should add that his replies were very contradictory, and that Mr. Clinton in pleading, even declared him to have committed perjury. He was a man who did not act as an Advocate, and there were great doubts as to his claims to the designation of Advocate.

*Question.*—State, under the oath which you have taken, whether it is not true that Mr. Catois, the French Advocate, consulted on the part of the defence, admitted before Mr. Commissioner Betts, in Court, that there were cases in which depositions, legalized in the same way as those produced were received in France?

Objected to on behalf of the defence. Objection overruled.

*Answer.*—I do not exactly recollect whether he was questioned on that point, but I know well that he said that in criminal cases in France, only original documents could be received, and if they were destroyed or lost, that copies could be admitted only as prescribed by the code of criminal instruction.

*Question.*—How long before the escape of the accused Lamirande from New York, was the indictment produced before Commissioner Betts? *Ans.* To the best of my recollection, on the Thursday or Wednesday previous.

*Question.*—Before the production of that indictment before Commissioner Betts, had the question of the accusation of forgery against the accused, Lamirande, been raised? *Ans.* No, not to my knowledge at the hearing.

*Question.*—How long after the production of that indictment before Commissioner Betts, did you have it in your possession? *Ans.* I do not remember if I took it with me or not; if I had it with me it was at one of the last hearings of the case.

*Question.*—Was there any correspondence exchanged between Mr. Coudert and yourself in relation to that indictment? *Ans.* Mr. Coudert wrote me a note the next day, or the next day but one after he came to me to ask for the said document.

*Question.*—Are you aware that a warrant was issued against you at New York, in relation to the said document, the indictment which has been in question in this affair? *Ans.* I know nothing about it; Mr. Coudert deposed so here.

*Question.*—As advocate of the accused, Lamirande, you maintained at New York, did you not, that he could not be surrendered? *Ans.* Yes, and I maintain it still.

*Question.*—Was it not you who gave instructions and furnished information to the defender here of the accused, Lamirande, in relation to the application for his extradition? *Ans.* Yes, I furnished some.

The advocate for the prosecution declares that he has no further questions to put to the witness, this examination is closed, and after reading the deponent hath signed.

C. L. SPILTHORN.

Taken and acknowledged before me, at Montreal, }  
 this twenty-first day of August, one thousand }  
 eight hundred and sixty-six. }

W. H. Bréhaut, P.M.

A true copy,

W. H. BREHAUT, P. M.



PROVINCE OF CANADA, }  
 District of Montreal. }  
 Defence.

## POLICE OFFICE.

The deposition of Emile B. Morel, Esquire, Advocate, of the City of New York, in the State of New York, one of the United States of America, now in the City of Montreal, in the District of Montreal, taken under oath on the twenty-second day of August, in the year of Our Lord one thousand eight hundred and sixty-six, at the Police Office, in the Court House, in the City of Montreal, in the District of Montreal aforesaid, by the undersigned, William H. Bréhaut, Esquire, Police Magistrate, in and for the District of Montreal, in the presence of Ernest Sureau Lamirande, late of Poitiers, in the Empire of France, who now stands accused by complaint under oath before me, under the provisions of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, and of the Statutes made and provided therefor, of having committed at Poitiers, in the Empire of France, the crime mentioned and predicated by the said treaty between Her Majesty the Queen and the said King of the French, that is to say :

That the said Ernest Sureau Lamirande did commit the crime of forgery by having, in his capacity as Cashier of the Branch of the Bank of France at Poitiers, made false entries in the said books of the said Bank, and by so doing defrauded the said Bank of the sum of seven hundred thousand francs.

The deponent Emile B. Morel deposeseth and saith as follows :—

*Question.*—Were you in any way connected with the prosecution instituted at New York for the extradition of the prisoner, in April, May and June last? *Ans.* I was Mr. Lamirande's private advocate at New York, but I did not appear in name as one of his defenders before Commissioner Betts. He consulted me about his extradition affair and about others affairs generally, I was present at nearly all the sittings which were held before Commissioner Betts, especially I was present at one sitting. I do not remember if it was the last sitting, or the last but one, before the flight of Lamirande, and at that sitting Mr. Coudert, the Advocate for the prosecution produced a deed, or a pretended copy of a pretended indictment (*arrêt de renvoi*) together with a pretended translation of the said copy. The defenders of the accused opposed the reception of these documents : first, because the pretended copy of the pretended indictment was not duly legalized ; and second, they opposed the reception of the translation because it contained many blanks and was otherwise incorrect and unintelligible. Mr. Betts decided that he would not definitely admit the documents, that he reserved his judgment in that respect. The Counsel for the accused asked for time to examine the said documents and to compare the translation made by Mr. Coudert. Mr. Betts then replied that, as he was desirous not further to prolong the affair by postponements, he requested Mr. Spilthorn to take the document with him, and that in that way the documents could be examined between that time and the following sitting. I did not observe, whether Mr. Spilthorn carried away the document or whether he did not. When that pretended indictment assuming to accuse Mr. Lamirande of forgery was produced a universal cry arose on all sides at the absurdity of such an accusation.

*Question.*—Will you state whether the document produced before Mr. Betts as a translation of the pretended indictment was the same as the document B produced here, and if it was the same whether it was then in the condition in which you find the document B now to be? *Ans.* I state that I clearly heard Mr. Clinton declare that there were many words untranslated and left blank in the said translation made by Mr. Coudert, with which assertion Mr. Coudert coincided and attributed the circumstance to the impossibility of his translating those words because he did not understand them exactly, and because he could not appreciate their exact value. But with regard to the document B I cannot assert that I have seen it ; consequently, I know not whether it is the same or not. I cannot state positively whether there was a sitting after that at which Mr. Spilthorn was required to take away the translation in order to compare it, but I think there was not. I know that there was a meeting, but there was no sitting in consequence of the illness of one of the advocates. I state nothing positively in this respect.

*Question.*—Has Mr. Edme Justin Melin expressed, in your presence, what he knew or what he thought of the accusation of forgery, either at New York or here? *Ans.* Mr.

Melin, like every one else, saw the absurdity of such an accusation; he said that extradition for forgery could not be had; that there was no forgery there. Here, at Montreal, on several occasions, he has acknowledged before other persons that all that Mr. Spilthorn had said here was true, and that he had never intended to state in his evidence that Mr. Lamirande had acknowledged himself to be guilty of forgery, that he had only acknowledged himself that he had been accused of forgery.

*Question.*—Was Mr. Melin a witness at New York? *Ans.* Not that I remember. I do not consider as evidence any affidavits that he may have made, and I do not know whether he did make any. I speak only of oral evidence.

*Question.*—Was the prisoner accused of forgery at New York, either in the proceedings for his extradition or in the depositions which served as the basis of those proceedings? *Ans.* Before the production of the pretended copy of the pretended indictment, nothing had ever been said about forgery. I have read several depositions, or pretended depositions which were deposited in court, and among others, the deposition of Mr. Bailly, one of the directors, I believe, of the Branch Bank at Poitiers, in which deposition Mr. Bailly stated that embezzlement of money could be effected by means of forgery or alteration in the books, and that such was not the case with regard to Mr. Lamirande. I nowhere saw anything mentioned about false balance-sheets or even, I think, false entries. It is to be distinctly understood that I speak of the documents filed at the court in New York, before the production of the pretended copy of the pretended indictment, for I should not wish it to be said that I contradicted myself. When the pretended copy of the pretended indictment was produced before Commissiener Betts, the prisoner exclaimed aloud that he did not acknowledge himself guilty of forgery, that there was no forgery, and the Messrs. Couderth themselves agreed that there was no ground for a charge of forgery, and abandoned all prosecution in that respect.

*Question.*—Are you sufficiently acquainted with the conditions of the extradition treaties between France and the United States to say whether forgery is one of the crimes for which extradition can be demanded between those two Powers respectively?

Objected to on behalf of the Crown. Objection over-ruled.

*Answer.*—Yes, forgery is one of the crimes enumerated in those treaties.

The Counsel for the prisoner declares that he has no further questions to put to the witness produced, and the deponent, after reading, declares that his deposition contains the truth, persists therein, and hath signed.

EMILE B. MOREL.

Sworn, taken and acknowledged before me at }  
 Montreal, this twenty-second day of August, }  
 eighteen hundred and sixty-six.

W. H. Bréhant, P.M.

The foregoing deposition having been made and read in the presence of the prisoner, Ernest Sureau Lamirande, Mr. Pominville, counsel for the prosecution, declared his desire to put the following questions, in rebuttal.

*Question.*—How long have you been an advocate? *Ans.* Since 1860.

*Question.*—Since Lamirande's arrest have you not been his adviser, and is it not you who have furnished the advocate who is defending him with all information in relation to this affair? *Ans.* I am one of Lamirande's counsel here. We have held consultations with Mr. Doutré in relation to his case.

*Question.*—Is Mr. Spilthorn, a witness also examined for the defence, also counsel for the accused? *Ans.* I do not know how far Mr. Spilthorn considers himself counsel for the accused.

*Question.*—What degree of relationship is there between Mr. Spilthorn and you? *Ans.* Mr. Spilthorn is my uncle; I studied law under him, we practice in the same office.

*Question.*—Am I to understand that you are in partnership with Mr. Spilthorn? *Ans.* Yes, and no.

*Question.*—In your examination in chief you state that you acted as Lamirande's special advocate; tell us what you mean by that? *Ans.* It means that Mr. Lamirande consulted me on his affairs in general apart from the other advocates.

*Question.*—How long was it after Lamirande's arrest in New York, that you saw him for the first time? *Ans.* I do not know whether it was two weeks or three, but I am not prepared to answer with certainty.

*Question.*—At what time were proceedings commenced at New York for the extradition of Lamirande? *Ans.* I think it was in the course of the month of May. Extradition was demanded for the crime of embezzlement, there was then no question whatever of a charge of forgery, that I know of. The proceeding for the extradition of the accused continued up to the flight of the prisoner. I heard it stated that he had fled on the 3rd July. Proceedings for the extradition of the prisoner were then drawing to a close.

*Question.*—How long before the flight of the prisoner was the indictment produced before Commissioner Betts? *Ans.* I state that I was not altogether certain, but that I thought it was at the last or second last sitting.

*Question.*—Did you read the indictment produced before Commissioner Betts. *Ans.* I do not remember having read it.

*Question.*—Did you read the translation which was made of it? *Ans.* I do not remember.

*Question.*—Did you see the initials of Commissioner Betts on the documents and papers laid before him in the Lamirande affair? *Ans.* I do not remember.

*Question.*—Were the objections made by the advocates of the accused, with reference to the documents produced, set forth in writing? *Ans.* I think so, for it is habitually done.

*Question.*—Does Mr. Clinton, one of the advocates of the accused, speak French? *Ans.* I do not know.

*Question.*—Did you see in Mr. Spilthorn's office or in your own, the indictment of which you have already spoken? *Ans.* No.

*Question.*—Is it not true that, when you say in your examination in chief, "A universal cry was heard on all sides as to the absurdity of the charge of forgery," you mean to speak only of the advocates of the accused? *Ans.* I mean to speak also of Mr. Catois, a highly distinguished advocate from France, who said he did not understand how French Magistrates could prostitute themselves to so infamous an act as thus unduly to accuse an individual of forgery, knowing that there was no forgery possible under the French laws. I said that all, except those interested in the prosecution, found the thing incredible and absurd.

*Question.*—Was not this Mr. Catois one of the advocates consulted by the defence? *Ans.* No, he was not, for on the contrary I always heard Mr. Catois say that he did not come forward to approve the faults the prisoner might have committed, but simply to depose before and inform the judge of what the statutes, law and justice were in France, that he knew it better than any person in New York, for matters of this kind, because he himself had been *Procureur de Roi* in France for many years.

*Question.*—How many persons were present in court when the indictment was produced? *Ans.* I did not count them.

*Question.*—Apart from the advocates for the prosecution and the defence, yourself included, were there more than five persons? *Ans.* I know there were several persons, but I cannot answer otherwise with certainty.

*Question.*—Were there more than six persons? *Ans.* I know nothing of it.

*Question.*—Were there more than three? *Ans.* I do not remember, or rather I know nothing of it, but think there were.

*Question.*—Is it not true that the person named Melin, of whom you speak in your examination in chief, always told you that he did not accuse Lamirande, that he was accused in the French Courts, and that in consequence he believed the charge to be well founded, and did he not add also that the answer Lamirande made to him concerning the forgery, indicated implicitly that he admitted himself guilty? *Ans.* No, if I remember aright he always told me the contrary. He told me he could not accuse Lamirande of having admitted himself guilty of forgery inasmuch as he had never acknowledged himself guilty; that is what he told me.

*Question.*—When did he tell you that? *Ans.* He said it to me yesterday again, at the door of the Court, and I heard him say it at different times besides, even here and elsewhere, where we reside at the Jacques Cartier Hotel.

*Question.*—Who invited Mr. Melin to the Jacques Cartier Hotel and why was he invited to go there? *Ans.* I do not remember whether he came there of his own notion or whether he was invited there. I am not sure.

*Question.*—State the exact words used by Mr. Melin, when he spoke to you of the charge of forgery brought against the accused. *Ans.* I think I recollect that he used the terms, or very much the terms already mentioned by me. I cannot give exactly word for word the expressions he used.

*Question.*—On the oath you have taken, is it not true that Mr. Melin said to you, on the occasion in question, that when he had spoken to Lamirande about the indictment charging him with forgery, Lamirande answered “Yes it is true, I know it.” *Ans.* I do not remember. I am morally certain of the contrary.

*Question.*—Is it not true that Melin told you that for himself personally he could not accuse Lamirande of forgery, but that Lamirande’s answer in speaking to him of that crime, “I know it well,” indicated implicitly, in Melin’s judgment, that Lamirande admitted his guilt? *Ans.* I do not remember that Melin ever told me that.

*Question.*—On the oath you have taken, give the expressions used by Melin, when he spoke to you of the forgery matter? *Ans.* I have already said I cannot state word for word the expressions he used, but I can say that the expressions he used and the tenor of the expressions he used, and which he did almost literally, if not literally use, were these: “I cannot accuse Lamirande of having admitted his guilt to me, inasmuch as he never to me admitted himself to be guilty of forgery.”

*Question.*—Was Melin under oath when he spoke thus to you? *Ans.* I should like the learned advocate to explain what he means by being under oath?

*Question.*—Do you know whether you are under oath, and that you have given your deposition under oath? *Ans.* Yes, I know that, (&c., as in ques.)

*Question.*—Did you assist or participate in the escape of Lamirande from New York? *Ans.* I refuse to answer that question because it is improper, impertinent, indecent, filthy, and unworthy of an advocate; and if I had more epithets at my command, I would present them in my answer.

The counsel for the prosecution, Mr. Pominville, declared that he has no further question to put to witness, and this examination is closed, and the foregoing having been read, deponent hath signed.

(Signed,) EMILE B. MOREL.

Taken and certified before me at Montreal, }  
this 22nd day of August, 1866. }  
(Signed,) W. H. Brehaut, P. M.

A true copy,  
W. M. Brehaut, P. M.

PROVINCE OF CANADA, } POLICE OFFICE.  
District of Montreal. } To all or any of the Constables or other Peace Officers in  
City of Montreal. } the said District of Montreal, and to the Keeper of the Common  
Gaol at the said City of Montreal, in the said District of Montreal.

Whereas Ernest Sureau Lamirande, late of Poitiers in the French Empire, now present in the said City of Montreal, in the District of Montreal aforesaid, was this day charged before me, William H. Brehaut, Esquire, Police Magistrate in and for the District of Montreal, on the oath of Edme Justin Melin and others, with the crime of forgery, by having, in his capacity of Cashier of the Branch of the Bank of France at Poitiers, on the 12th day of March, one thousand eight hundred and sixty-six made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of seven hundred thousand francs.

And whereas a requisition has been made to His Excellency the Governor General of this Province by the Consul General of France in the Provinces of British North America, pursuant to the terms of the convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, signed at London, on the thirteenth day of February, in the year of Our Lord one thousand eight hundred and forty-three, and the acts of the Parliament of the United Kingdom of Great Britain and Ireland passed to give effect to the said convention, to issue his warrant

for the apprehension of the said Ernest Sureau Lamirande, accused of having committed the crime aforesaid after the ratification of the said convention.

And whereas, in compliance with the said requisition His Excellency the Governor General has by warrant under his hand and seal, bearing date at Ottawa, in the said Province, the twenty-sixth day of July in the year of Our Lord one thousand eight hundred and sixty-six, required each and every the Justices of the Peace and other Magistrates and Officers of Justice, within their several jurisdictions in the said Province of Canada, to aid in apprehending and committing him, the said Ernest Sureau Lamirande, to any one of the gaols within the said Province of Canada, for the purpose of being delivered up to justice, according to the provisions of the said Convention and the Acts to give effect thereto.

And whereas it appears to the said Police Magistrate that the acts charged against the supposed offender are clearly set forth in a warrant of arrest, or other equivalent judicial document, issued by a competent magistrate in France. And whereas divers persons have been examined upon oath before me touching the truth of the said charge, and whereas a copy of a deposition taken in France touching the said charge, duly authenticated has been produced and filed before me; And whereas such evidence would be according to the laws of Canada sufficient to justify the apprehension and committal of the said Ernest Sureau Lamirande, if the offence of which he is accused had been committed in Canada; and whereas the said Ernest Sureau Lamirande by himself and his Counsel has had full opportunity to cross-examine the said witnesses and to adduce such evidence as he deemed advisable in his own defence; and whereas the said Ernest Sureau Lamirande has not shewn any good cause why he should not be committed for extradition according to the requirements of the said Convention and the laws passed to give effect thereto.

These are therefore to command you, the said Constables or Peace Officers, or any of you, to take the said Ernest Sureau Lamirande, and him safely convey to the common gaol at the City of Montreal aforesaid, and there deliver him to the keeper thereof—together with this precept, and I do hereby command you, the said keeper of the said Common Gaol to receive the said Ernest Sureau Lamirande into your custody in the said Common Gaol, and there safely to keep him until he is delivered pursuant to the requisition aforesaid, or by process of Law.

Given under my hand and seal this twenty-second day of August in the year of Our Lord one thousand eight hundred and sixty-six, at the said City of Montreal, in the District aforesaid.

(Signed,) W. H. BREHAUT, P. M.

True copy.

Louis Payette,  
Gaoler.

—  
MONTREAL TELEGRAPH COMPANY,  
Ottawa, 12th Oct., 1866.

By telegraph from Montreal.

To Geo. Futvoye, Esq.

Send by mail to-day, if possible, to Schiller, all documents transmitted by Bréhaut in Lamirande Case. Send them by mail to-morrow if you cannot send them to-day. Answer.  
G. E. CARTIER.

—  
13th October, 1866.

To C. E. Schiller, Esq.

Don't allow the papers in Lamirande's case to go out of your hands, and send them back as soon as done with.

By order of the Secretary.

(Signed.)

E. PARENT.

—  
CROWN LAW DEPARTMENT,  
Quebec, 23rd August, 1866.

*In re* } The undersigned is of opinion that Ernest Sureau Lamirande having been arrested in accordance with the Warrant issued at Ottawa, on the 26th July last, by His Excellency the Governor General, and

having been since committed to the Common Jail at the City of Montreal, by Mr. Bréhaut, Police Magistrate, to be there kept until he is delivered, pursuant to the requisition made to His Excellency by the Consul General of France in the Provinces of British North America, or by process of law, the said Ernest Sureau Lamirande be delivered to such person or persons as may be authorized, in the name and on behalf of the French Empire, to receive the same, and that the necessary warrant do issue accordingly.

HECTOR L. LANGEVIN,  
Sol. Gen. L. C.

Ottawa, 23rd August, 1866.

T. Bouthillier, Esq., Sheriff, Montreal.

SIR,—I have the honor to transmit to you, herewith, an Instrument to deliver to such person or persons as may be authorized by the French Empire to receive the body of Ernest Sureau Lamirande, now detained in the Jail under your charge.

I have, &c.,

E. PARENT.

(Recorded, 23rd August, 1866.)

Province of }  
Canada. }

MONCK.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland,  
QUEEN, Defender of the Faith, &c., &c., &c.

GEO. H. LANE, } WHEREAS Ernest Sureau Lamirande, late of Poitiers, in the  
Dep. Prov. Kepr. } French Empire, laborer, is now detained in the common gaol of  
Our said District of Montreal, upon and by reason of a certain charge, on oath to wit, on a charge of having, on the Twelfth day of March last, at Poitiers aforesaid, committed the crime of forgery by having, in his capacity of cashier of the Branch of the Bank of France at Poitiers aforesaid, made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of seven hundred thousand francs. And whereas the said Ernest Sureau Lamirande, not being one of our subjects, but being an alien has, since the commission of the said crime, come into this Province, from the said French Empire, and the said crime of which he is accused, having been committed in the said French Empire, it is fit and expedient that the said Ernest Sureau Lamirande may be made amenable to the laws of the French Empire for the crime aforesaid. We therefore command you that the body of the said Ernest Sureau Lamirande, under your custody as aforesaid, you deliver to such person or persons as may be authorized, in the name and on behalf of the French Empire, to receive the same. Provided always that the said Ernest Sureau Lamirande be detained under your custody aforesaid, for no cause, matter or thing other than the crime aforesaid, and this you are not to omit at your peril.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed; WITNESS, Our Right Trusty and Well-Beloved Cousin the Right Honorable CHARLES STANLEY, Viscount MONCK, Baron MONCK of Ballytrammon, in the County of Wexford, Governor General of British North America, and Captain General and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c. At Ottawa, this Twenty-third day of August, in the year of Our Lord, one thousand eight hundred and sixty-six, and in the Thirtieth year of Our Reign.

By command.

WM. McDUGALL, Secretary.

GOVERNOR GENERAL'S OFFICE,  
Ottawa, Nov. 28, 1867.

SIR,—I have the honor to return herewith the Address of Lord Carnarvon to Lord Monck, of the House of Commons asking for papers in the Lamirande case, referred to me by you on the 16th instant, and to enclose copies of two Despatches on this subject. I am directed to inform you that the rest of the Correspondence between the Governor General and Her Majesty's Government, asked for in this Address, will be found in print in the Library of Parliament.

I have the honor to be, Sir,  
Your obtd. servant,  
H. COTTON,  
For the Governor's Secretary.

E. Parent, Esquire,  
Under Secretary of State.

*Lord Carnarvon to Lord Monck.*

(Canada, No. 113.)

DOWNING STREET,  
30th November, 1866.

MY LORD,—I have the honor to transmit to your Lordship for your information, a copy of a Despatch addressed by Her Majesty's Ambassador at Paris to Lord Stanley, stating that the trial of M. Lamirande is fixed for the 2nd December, and containing some particulars as to the nature of the offences with which he is charged.

I have, &c.,  
(Signed,) CARNARVON.

Governor the Right Honorable Viscount Monck,  
&c., &c., &c.

*Lord Cowley to Lord Stanley.*

(Copy, No. 401)

PARIS, November 23, 1866.

MY LORD,—The trial of Lamirande is fixed for Monday the 3rd of December, your Lordship may like to know more precisely of what he is accused.

Lamirande was Cashier to the Branch Bank of France, established at Poitiers. As such he had considerable sums to receive and to pay, and, consequently, a deposit of a large amount was continually in his hands. The gold is tied up in bags containing a certain number of Napoleons, which are liable to be visited from time to time by the Inspectors, who open them and see that their contents are correct, but these Inspectors generally content themselves by opening one or two bags, and by weighing some of the others. Lamirande seems to have been in the habit of taking a few Napoleons at a time from some of these bags, which he took care should never come into circulation, giving them the proper weight by the addition of lead, and placing them where there would be the least chance of their being opened. His books at the same time were kept as if the proper amount of money was in his hands. Something having occurred to excite suspicion, Lamirande determined to abscond, taking with him a large sum of money in addition to those already stolen.

I have, &c.,  
(Signed,) COWLEY.

The Lord Stanley, &c., &c., &c.

*Sir J. Michel to Lord Carnarvon.*

(No. 10.)

MONTREAL, December 15, 1866.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Despatch, No. 113, of the 30th November, enclosing a copy of a note from Her Majesty's Ambassador at Paris to Lord Stanley, in which some particulars are given respecting the charges on which Lamirande was to be tried on the 3rd instant.

I have &c.,  
(Signed,) J. MICHEL.

**CORRESPONDENCE WITH THE GOVERNOR GENERAL OF CANADA,  
RESPECTING THE EXTRADITION OF M. LAMIRANDE.**

*Presented to both Houses of Parliament, by command of Her Majesty, March, 1867.*

SCHEDULE.

DESPATCHES FROM THE GOVERNOR GENERAL.

No.	No.	Date.	SUBJECT.
1	155	Oct. 6, 1866.	Transmitting Address to Her Majesty from certain inhabitants of the City of Montreal, praying that a prisoner named Lamirande, lately delivered to the French Government, under the Extradition Treaty, may be returned to Montreal to have his case investigated there before the Court of Queen's Bench, on writ of <i>habeas corpus</i> .
2	164	" 18, "	Furnishing the Report on this case, as called for by Lord Carnarvon's Despatch, No. 61, of the 22nd September, 1866.
3	173	" 25, "	Inclosing three extracts from the " <i>Montreal Herald</i> ," containing reports of what took place in the Court of Queen's Bench respecting the necessity for notice in applications for the writ of <i>habeas corpus</i> .
4	174	" 25, "	Inclosing correspondence with Mr. Doutre, the Counsel for Lamirande.
5	175	" 25, "	Inclosing a farther letter from Mr. Doutre with copies of documents.
6	182	" 31, "	Inclosing copy of Affidavit of M. Melin.
7	193	Nov. 10, "	Transmitting letter from Mr. Ramsay, the Crown Prosecutor, to Mr. Godley.
8	4	Jan. 3, 1867.	Acknowledging Lord Carnarvon's despatch announcing that Lamirande had been tried in France and sentenced to ten years reclusion.
DESPATCHES FROM THE SECRETARY OF STATE.			
1	61	Sep. 22, 1866.	Transmitting copy of a despatch from Her Majesty's Ambassador at Paris, accompanied by a letter from M. Lamirande, complaining of his extradition, and calling for a report on the case.
2	67	" 27, "	Stating that Her Majesty's Ambassador at Paris had been instructed to address a representation to the French Government on the subject.
3	84	Oct. 27, "	Acknowledging Lord Monck's despatch (No. 155) of the 6th October, 1866, explaining the circumstances under which Lamirande was delivered by the Canadian authorities to the French Police.
4	110	Nov. 24, "	Views of Her Majesty's Government respecting the course which had been adopted by the Canadian authorities in this case.
5	114	Dec. 14, "	Announcing that Lamirande had been tried in France and found guilty of forgery, ( <i>faux</i> ), and sentenced to ten years' reclusion, and that from this decision he had appealed to the Court of Cassation.

N.B.—Such Documents referred to in the above Schedule, as are wanting will be found amongst the papers supplied by Mr. Bréhaut, the Police Magistrate, above.

DESPATCHES FROM THE GOVERNOR GENERAL.

*No. 1.—Copy of a Despatch from Viscount Monck to the Right Honorable the Earl of Carnarvon.*

(No. 155.—Received, October 24th, 1866.)

(Answered, No. 84, October 27th, 1866.)

QUEBEC, October 6, 1866.

MY LORD,—I have the honor to transmit, for presentation to Her Majesty, an Address from certain inhabitants of the City of Montreal, praying that a certain prisoner named Lamirande, lately delivered under my warrant of Extradition to the authorities of the French Government, may be returned to Montreal in order that his case may be investigated there before the Court of Queen's Bench, on writ of *habeas corpus*.

I have the honor to transmit also affidavits from Joseph Doutre, Esquire, Q. C., and C. L. Spilthorn Esquire, Advocate, Counsel for Lamirande, and the judgment of Mr. Justice Drummond, of the Queen's Bench, on application for a Writ of *habeas corpus*.

With respect to the statement of the facts of the case contained in these affidavits, as far as they came within my personal knowledge, I believe it to be accurate.



It is true that I stated to Mr. Spilthorn, when he presented a petition to me on the subject at Ottawa, that time should be afforded to the prisoner to apply for a Writ of *habeas corpus*, and that sufficient time, not only to apply for, but to obtain the writ was allowed, is apparent from the judgment of Mr. Justice Drummond, who says, speaking of the proceedings before him on the 24th, "I would have issued the writ before adjourning the Court had the Counsel for the prisoner insisted upon it."

But while, on the one hand, sufficient time should be allowed to a prisoner to avail himself of any advantages which our laws allow him, I think on the other hand a friendly power with which a Treaty of Extradition exists, should have good grounds of complaint if unnecessary delays were interposed by the Executive in carrying those Treaty obligations into effect.

In this case the prisoner was committed by the Magistrate on the 22nd August.

Late in the forenoon of the 24th August, the Solicitor General for Lower Canada, Mr. Langevin, came to my residence, near Quebec, with the Warrant of Extradition, and gave me his opinion in writing that, in point of law, the case was one for extradition.

In justice to the Solicitor General, I must here correct an error into which Mr. Doutre has fallen, in relating my statement of the verbal advice tendered to me by Mr. Langevin, with respect to the effect of my warrant on an application for a writ of *habeas corpus*.

I am made to say, that I executed the warrant "on the express understanding that it would in no way interfere with the proceedings adopted, or to be adopted by the prisoner, for obtaining a writ of *habeas corpus*."

What I did ask Mr. Langevin was, whether the execution of my warrant would interfere with the writ of *habeas corpus*, if the prisoner's counsel had obtained it in the period (forty-eight hours as it appeared from the dates) which had then elapsed since the committal. To this, Mr. Langevin replied in the negative, and I believe his answer was quite right in point of law.

I may state that the practice which I have always followed in cases of extradition, of which we have a great number, on the application of the Government of the United States is, in cases in which no question of policy arise and which merely involve points of law, to guide myself by the advice of the Law Officers of the Crown.

This appeared to me such a case; and, as the Solicitor General advised me that in point of law it was right the prisoner should be surrendered, and I was under the impression, from the dates, that forty-eight hours had elapsed between the committal of the prisoner and the signing of my warrant, which appeared to be ample time for obtaining the writ of *habeas corpus*, I executed it.

It is true that on first hearing that the prisoner had been removed under my warrant, and before I was fully informed of the whole facts of the case, I did express my regret that he had been deprived of an advantage by my act, and I said that I would do what I could to enable him to bring his case before another tribunal.

I accordingly sent a message to your Lordship by Atlantic Telegraph\*, briefly informing you of the facts of the case, and stating that, should an application be made for a writ of *habeas corpus* in England, I wished that if possible my warrant should not be a bar to it.

I am bound to say, that on a calm review of the whole facts, it appears to me that the miscarriage in the case is due to the want of diligence on the prisoner's part in suing out the writ of *habeas corpus*, for which full time was allowed; which writ, if it had been issued, would have suspended the execution of my warrant until the Court of Queen's Bench had had an opportunity of delivering its judgment on the merits of the case.

It may be right to state, by way of explanation, that though my warrant of extradition bears date the 23rd of August, the day upon which it was sealed at Ottawa, I did not, in fact, sign it as I have stated, until the 24th. The discrepancy arose from the

\*The following is a copy of the Telegram sent by Lord Monck to Lord Carnarvon:—  
Telegram.

QUEBEC, August 30, 1868.

"Prisoner named Lambrande, delivered to French-Government under my Warrant, went in 'Damascus' on 25th. Owing to delay in obtaining *habeas corpus* he was removed before it issued.

"Application will be made to English Courts by Mackenzie & Co. I wish my warrant not to be an obstacle. Do not reply.

"LORD MONCK."

fact that the officer who has the custody of my seal was at Ottawa, whereas I was at Quebec.  
I have, &c.,  
(Signed,) MONCK.

The Right Honorable the Earl of Carnarvon,  
&c., &c., &c.

(Inclosure 1 in No. 1.)

*Mr. Doutré to the Earl of Carnarvon.*

MONTREAL, October 4, 1866.

MY LORD,—I have the honor to enclose a petition to Her Majesty from citizens of Canada, and especially from Montreal, concerning what is described as the fraudulent removal of E. S. Lamirande from the jurisdiction of the Court of Queen's Bench at Montreal, and praying Her Majesty to use Her authority for restoring the said Lamirande to the jurisdiction of the said Court. Your Lordship will oblige by laying it before Her Majesty, and inform the signers through me of the result. Messrs. Mackenzie, Treherne and Trinden, Solicitors of London, may be applied to for further information if required.

I have, &c.,  
(Signed,) JOSEPH DOUTRÉ, Q. C.

To Lord Carnarvon,  
Secretary of State for the Colonies, London.

(Inclosure 2 in No. 1)

PROVINCE OF CANADA, } To Her Most Gracious Majesty Victoria, by the Grace  
District of Montreal, } of God, of the United Kingdom of Great Britain and  
Ireland, Queen, Defender of the Faith.

The Petition of the undersigned, humble subjects of Your Majesty, most respectfully represents, that from facts of public notoriety, in this part of the Province of Canada, it is manifest that Ernest Sureau Lamirande, claimed by France under the Extradition Treaty of February, 1843, on a charge of forgery, was fraudulently removed during the night of the 24th-25th August last, from the jurisdiction of the Judges of the Court of Queen's Bench, sitting at Montreal, while proceedings were pending for his release, in virtue of Your Majesty's writ of *habeas corpus*; such removal being resorted to in order to prevent the said E. S. Lamirande from obtaining the benefit of the said writ.

That previous to the said E. S. Lamirande being thus removed from the jurisdiction of the said Court, the Hon. L. T. Drummond, one of the Judges thereof, before whom the proceedings for *habeas corpus* were pending for his release, intimated to the Counsel engaged on behalf of the Crown, the private prosecutor, and the prisoner; that he was of opinion that there was no cause or law to authorize the extradition of the said Lamirande, and adjourned the case till the next morning, for the purpose of ordering the issue of the writ of *habeas corpus* and the consequent release of the prisoner.

That on the morning of the 25th August the said writ of *habeas corpus* was ordered to issue and issued accordingly, but the return thereto was that the prisoner had been delivered over to the Agent of the French Government in the course of the previous night.

That by such fraudulent removal, the said Court has been set at defiance, to the evil example and scandal of Your Majesty's dutiful subjects.

Wherefore, your Petitioners most respectfully pray that Your Majesty be pleased to use your authority for restoring the said Ernest Sureau Lamirande to the jurisdiction of the Court of Queen's Bench, sitting at Montreal, so that the said Lamirande be there dealt with according to law, and in a manner worthy of Your Majesty's Crown and dignity. And your Petitioners will ever pray.

(Signed,) C. S. CHERRIER, Q. C.  
(and 72 others.)

Montreal, September 22, 1866.

(Inclosure 3 in No. 1.)

PROVINCE OF CANADA,

District of Montreal, (L.S.)

In the Petition of C. S. Oberrier, Q. C., and others,  
relative to the extradition of Ernest Sureau Lamirande.

Joseph Doutre, of the City of Montreal, Esquire, Queen's Counsel, being duly sworn, doth depose and say :

That the deponent is practising before all Her Majesty's Courts in this part of Canada, constituting heretofore the Province of Lower Canada, as Attorney, Advocate, Proctor, Solicitor and Barrister, since the year 1847, and has been commissioned as one of Her Majesty's Counsel.

That on the evening of the 1st day of August last, the deponent's services were retained on behalf of Ernest Sureau Lamirande, formerly a French subject, arrested the same day in pursuance of a warrant issued under the signature of His Excellency the Governor General of Canada, on a charge qualified as follows in the said warrant :

Whereas, one Ernest Sureau Lamirande, late of Poitiers, in the French Empire, stands accused of the crime of forgery, by having, in his capacity of Cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of 700,000 francs, &c.

That from the beginning of the proceedings tending to the extradition of the prisoner, the deponent anticipated that the said prisoner would be arbitrarily and illegally dealt with by the Magistrate and the Officers prosecuting his extradition, and the deponent felt bound to take unusual precautions to protect the prisoner ; that this expectation on the part of the deponent was grounded on the following facts :—

The Ordinary Judicial Officer before whom these proceedings should have taken place, having obtained a leave of absence, a temporary Magistrate of Police had been appointed to fill the vacancy ; the Magistrate so temporarily appointed, William H. Brehaut, Esquire, had been already dismissed from office as Clerk of the Crown for malversation, and had been re-appointed to a public office without having ever attempted to remove the causes of his dismissal, and he owed his re-appointment to the exclusive political influence of the actual Attorney General for Canada East ; the Advocate representing the Attorney General East in the prosecution of crime on behalf of the Crown, T. K. Ramsay, Esquire, had also been dismissed from office for insubordination towards his superior officers, the political adversaries of the actual Attorney General ; he also had been re-appointed to a public office through the exclusive political influence of the said Attorney General, and his zealous advocacy of the extradition of the prisoner was such, that the private prosecution often left the entire matter in his hands. The Deputy Clerk of the Crown, C. E. Schiller, whose participation in the proceedings complained of shall hereafter be shown, had also been dismissed from the same office for malversation, and had also been re-appointed, without having ever attempted to remove the causes of his dismissal, and through the exclusive political influence of the said Attorney General. The private prosecutor, the Bank of France, had selected for their Counsel Messrs. Pominville and Bétournay, the partners in business of the said Attorney General, the latter and his partners practising in Montreal, under the name and firm of Cartier, Pominville and Bétournay.

That the parties engaged in prosecuting the extradition of the prisoner, revealed so manifestly their determination to carry away the prisoner, that nothing short of the fair and impartial dealings of His Excellency the Governor General could prevent them from accomplishing their object.

That since many years a rule of practice has obtained in this district, in matters of *habeas corpus*, requiring a notice of twenty-four hours to be given to the Attorney representing the Attorney General before presenting the petition for obtaining the writ.

That the arbitrary manner in which the proceedings were carried on against the prisoner, induced the deponent to suspect, that whenever the prisoner would be committed for extradition, this delay of twenty-four hours would be employed by the private prosecutor in obtaining the warrant of extradition from his Excellency the Governor General, and in executing such warrant with sufficient despatch to outrun the proceedings on *habeas corpus*, and thus frustrate the prisoner from the benefit thereof.

That on the 15th of August last, after the close of the investigation on the part of the private prosecutor, and before entering on the defence of the prisoner, the deponent addressed to His Excellency the Governor General, in the name of the prisoner, a petition in

which he exposed that none of the provisions of the Treaty and of the Statute 6 and 7 Vic., cap. 75, had been complied with, and that even if they had, the facts charged on the prisoner did not constitute the crime of forgery; that notwithstanding the illegality of the detention of the prisoner, he had reason to suspect that he would be committed, and that an attempt would be made to surprise the good faith and sense of justice of His Excellency, in order to obtain from His Excellency a warrant of extradition, before the prisoner could submit his case to a higher tribunal under a writ of *habeas corpus*, and finally praying His Excellency not to give an order for the surrender of the prisoner without allowing him the necessary time to submit his case under a writ of *habeas corpus*; and not to leave any room to accidents, the deponent requested Charles L. Spilthorne, Esquire, to proceed to Ottawa and present the petition personally to His Excellency, and bring back an answer; that on his return to Montreal the said C. L. Spilthorne reported to the deponent that he had received both from His Excellency the Governor General, and from the Attorney General a formal promise, that ample time would be allowed to the prisoner to apply for a writ of *habeas corpus*.

That on the 22nd day of August last, the proceedings before the Police Magistrate were brought to a close, and a decision rendered at half-past seven in the evening, committing the prisoner for extradition; that on the late hour at which the above decision of the Police Magistrate was rendered, it was impossible to give a legal notice to the Crown Prosecutor for the next night; that on the next morning, the 23rd day of August, the deponent caused to be served on the Crown Prosecutor, a copy of the petition of the prisoner for a writ of *habeas corpus*, with a notice, that such petition would be presented in Chambers, to any of the Judges of the Court of Queen's Bench, then present on the following day, 24th August, twenty-four [hours] after such service. That at the appointed hour on the latter day, the said petition was presented to the Honorable L. T. Drummond, one of the Judges of the said Court of Queen's Bench, in the presence of the said T. K. Ramsay, Esq., Crown Prosecutor, who argued as a preliminary point, that as the Crown was not the only party interested, the twenty-four hours notice was insufficient, and requested longer delay to answer the petition; that on this demand the deponent answered, that although the notice was that required by the practice [of the Court, he had no objection to grant even three or four days' delay for arguing the case, provided that the writ should immediately issue, and that the prisoner be, by that means, placed under the exclusive control of the Court; the deponent adding, that although he could not substantiate his apprehensions, and those of the prisoner, by affidavits, he had strong suspicions that by some means or other the prisoner would not be dealt with fairly and according to law; that on the mention of these apprehensions and suspicions, the Crown Prosecutor replied that it was a calumny against the institutions of the country, to suppose that the prisoner could be exposed to any unfair treatment; that the Honorable Judge having decided that the notice was sufficient, the case was argued by deponent on behalf of the prisoner, by the said T. K. Ramsay, on behalf of the Crown, and by F. P. Pominville for the private prosecutor; Mr. Ramsay arguing the points of law, and Mr. Pominville the facts of the case; that the deponent, having been prevented from entering in the facts, by the said Judge, for the reason that the mind of the said Judge was, as he expressed, sufficiently made up on the points of law. Mr. Pominville was also interrupted for the same cause, the Honorable Judge clearly expressing his opinion that he thought there was no cause for the extradition of the prisoner, and adding that, as the questions raised were important, on account of their international character, he would take until the next morning for preparing his judgment, and consequently adjourned the case to the next day.

That on the evening of the same day, 24th August, between half-past 8 and 9 o'clock, the deponent was called upon by parties, who informed him that they had credible information that the prisoner was to be carried away within a short time the same night; that deponent answered, that the prisoner could not be taken away upon any authority other than that of the Governor General, who had promised to allow the prisoner the necessary time for obtaining a writ of *habeas corpus*, adding that if he was taken away, it must be with the forged signature of the Governor General; that he (the deponent) had no means to protect his client against forgeries; that although disbelieving such information, the deponent immediately repaired to the residence of the said Judge, to lay it before him, which he did, by an affidavit, stating the facts; that on this information of the deponent the said

Judge accompanied the deponent to the Grand Trunk Railway Station where a Train was to leave at ten minutes after ten o'clock the same night for Quebec, with the object of commanding any person that might be engaged in taking away the prisoner, to desist from doing so, as the prisoner was then under his jurisdiction; that the presence at the Railway Station of the French Detective Melin, the High Constable Bissonette, and of Sipling, a Montreal Constable, giving some substance to the information conveyed to the deponent; the said Judge, after stating to the High Constable that he had information under oath, of a threatened attempt to take away the prisoner, started for the gaol, where he left a written order commanding the gaoler not to deliver the prisoner on the authority of whomsoever, as he was then under the jurisdiction of the said Judge; that the deponent, conceiving that his mission as an interpreter of the law did not impose upon him the duty of resorting to other means of defence, he left the matter in this state until the next morning; that on the 25th August, the writ of *habeas corpus* was ordered to issue, and accordingly issued, and the gaoler's return to it was that the prisoner had been delivered over to an Agent of the French Government during the previous night, on the warrant of the Deputy Sheriff, founded on the warrant of the Governor General, dated the 23rd day of the same month; that on this Return the Honorable Judge called upon the Deputy Sheriff to give an account of his conduct, in the presence of the deponent; that the Deputy Sheriff then stated, that he had given his warrant on the demand of Mr. Bétournay, one of the Attorney General's partners in business, and in official ignorance of the proceedings for *habeas corpus*; that the Deputy Sheriff having received orders to produce the Governor General's warrant, it appeared that the said warrant was in the hand writing of the above named C. E. Schiller, Deputy Clerk of the Crown, who being asked how it happened that that document was in his hand writing, answered that some time before the decision of the Police Magistrate, he had received from the Crown Prosecutor, the said T. K. Ramsay, a draft of the said warrant, with a request to him, Schiller, to write it on parchment and have it ready for use, when need be; that, in the presence of the said C. E. Schiller, the gaoler was asked by the said Judge when and where he had received the warrant of the Deputy Sheriff, and he answered that he had received it during the night of the 24th August, at the residence of the Deputy Sheriff, where he had gone for some other pressing business connected with his official duties (which was true), and where he had seen, occupied with the obtaining of a warrant for taking away Lamirande, the said Mr. Bétournay, C. E. Schiller, High Constable Bissonette, French Detective Melin, and Constable Sipling; that the deponent desiring to exhaust all means of preventing the illegal surrender of the prisoner called upon the Governor General at Quebec, on the 29th of August, accompanied by C. L. Spilthorn, Esq., who had presented the petition above referred to, of the prisoner, at Ottawa, on the 17th August, and had obtained the promise also above referred to, from His Excellency and the Attorney General; that in that interview His Excellency fully acknowledged that he had made that promise; that the deponent and the said C. L. Spilthorn, having written a joint report of that interview with the Governor General, and that report being communicated to the Governor General, His Excellency, by a letter addressed to the deponent by his Secretary, Denis Godley, Esquire, under date of the 12th of September, instant, acknowledged in the following terms the correctness of its contents:—

"I have the honor to inform you that I have laid the paper which you enclosed to me in your letter of the 11th instant, before the Governor General, and I am to acquaint you that it is therein correctly stated His Excellency told Mr. Spilthorn that ample time would be allowed to Lamirande to obtain a writ of *habeas corpus*, before the execution of the warrant for his extradition." That in this interview His Excellency explained that when he had signed the warrant of extradition, he had done so at the request of Solicitor General Langevin, under the express understanding that it would in no way interfere with the proceedings adopted, or to be adopted, by the prisoner for obtaining a writ of *habeas corpus*, that having been deceived in the execution of that understanding, he felt more grieved than any one for having been instrumental in committing a grave wrong towards the prisoner, and he would do anything practicable to redress that wrong; that it was then and there understood that His Excellency would telegraph through the cable to the Honorable the Secretary of State for the Colonies to support in the measure of his powers the proceedings which would be adopted by the Counsellors to whom the deponent was to

telegraph for obtaining a writ of *habeas corpus* in England, and for that object His Excellency requested the deponent to communicate to him the names of the Counsellors the deponent intended to employ in London; that the deponent having returned to Montreal on the night of the 29th of August, he telegraphed on the 30th to His Excellency that he would entrust Messrs. Mackenzie, Treherne, and Trinden, Solicitors, of London, with the duty of applying for a writ of *habeas corpus*; and the same day the deponent telegraphed through the Atlantic Cable to that legal firm in the following terms:—"See Lord Carnarvon. E. S. Lamirande, kidnapped by E. Justin Melin and Joseph Sipling, on Steam Ship *Damascus*, S. Watts, captain, due Londonderry, 3rd September. Use *habeas corpus*." That from the conversations of the deponent with His Excellency, the deponent was led to believe that the promised telegram of His Excellency would make up for the insufficiency of information conveyed by the telegram of the deponent, which impression was confirmed by a letter of the Secretary of the Governor General, addressed to the deponent under date the 10th September last, in following terms:—"In reply to your request that the telegram of the Governor General to the Secretary of State for the Colonies should be communicated to you, I am to acquaint you that His Excellency in his message to Lord Carnarvon, expressed his desire that his warrant for Lamirande's extradition should not be any obstacle to the prisoner's obtaining a writ of *habeas corpus* in England, as His Excellency understood that an application for that purpose would be made in the English Courts."

That on the 25th August last, judgment was rendered, ordering the issuing of the writ of *habeas corpus*; that in return thereto the gaoler stated, that during the night of the 24th and 25th August, he had delivered over the prisoner to E. J. Melin, agent of the French Government, on the warrant of the Deputy Sheriff, founded on the warrant of the Governor General, that on this return the Judge seeing that an order for the discharge of the prisoner would be of no avail, adjourned to another day the recording of his judgment, which was afterwards recorded in the terms of the accompanying record.

And further deponent saith not, and hath signed.

(Signed,)

JOSEPH DOUTRE.

Sworn and acknowledged before me, at Montreal, the 4th October, 1866.

(Signed,)

CHARLES MONDELET, JUN.

Charles L. Spilthorn, of the City of New York, Attorney and Counsellor-at-Law, being duly sworn, doth depose and say, that having taken communication of the foregoing affidavit, he may and do declare that all and every the facts therein contained are personally known to him, and are true, and hath signed.

(Signed,)

C. L. SPILTHORN.

Sworn and acknowledged before me, this 4th day of October, 1866.

(Signed,)

CHARLES MONDELET, JUN.

(Inclosure 4 in No. 1.)

PROVINCE OF CANADA, }

District of Montreal. }

(L. S.)

In the matter of Ernest Sureau Lamirande.

Charles L. Spilthorn, of the City of New York, Attorney and Counsellor-at-Law, being duly sworn on the Holy Evangelists, doth depose and say as follows:—

I have assisted at the examination and trial of the said Lamirande, at Montreal, before the Police Magistrate Bréhaut, and am well acquainted with the case. On the 15th of August, 1866, I was solicited by Joseph Doutre, Esquire, Counsel for Lamirande, to go to Ottawa, in order to present personally to His Excellency the Governor General, a petition which Mr. Doutre had hastily prepared in the name and in the interest of Lamirande; in that petition it was exposed to His Excellency that there was no ground to extradite Lamirande; that none of the formalities provided by law had been fulfilled, and that even if they were, there was not in the whole matter the shadow of the crime for which his extradition was demanded; that, notwithstanding all this, there was reason to suspect that some attempt would be made to surprise the good faith and sense of justice of His Excellency, in order to obtain from him a warrant of extradition, without giving time to the prisoner to apply to the regular tribunals of the country, and submit his case for examination; the petition concluded by praying His Excellency not to warrant the surren-

der of the prisoner in haste, and to give him time to have his case carefully considered by the legal authority.

Having been one of the Counsel of Lamirande in New York, and seeing that the ground of his extradition was a manifest false pretence, I could not decline to act as Mr. Doutre requested me to do, and I started the evening of the same day for Ottawa. After reaching this place, I presented, on the 16th of August, the petition of Lamirande to the Governor General, through Denis Godley, Esq., Private Secretary of His Excellency; on the same day, in the afternoon, Mr. Godley informed me that the petition had been referred to the Honorable the Attorney General Cartier.

On the 17th I was received by His Excellency, who told me spontaneously that he knew the object of my visit, that he had seen and read the petition of Lamirande, and that there was no occasion to entertain any fear, that nothing would be done hurriedly nor without the fullest consideration; that Lamirande would be allowed all the time required for applying by *habeas corpus*, or other legal means to all competent Courts of Her Majesty; then a general conversation followed about the facts of the case. I explained to His Excellency the case of Windsor, decided in London, in the spring of 1865, when the same question was decided by the highest and most distinguished Judges of England by which decision it was established that, admitting all the facts alleged in the case of Lamirande, there was no ground for extradition. I mentioned that when this case had been cited before the Police Magistrate, the Crown Prosecutor had laughed at the decision of those English Judges, as being no authority. His Excellency expressed the high respect he entertained for the opinion of the Judges of the Court of Queen's Bench, which besides being the highest Court, was presided over by the most eminent and learned Judges of England. After repeating the assurance that the prisoner would be allowed the most ample time and opportunity of having his case fully examined by all competent Courts, not excluding the Courts of England, as I had alluded to the possibility of resorting to them. His Excellency advised me to see the Honorable Attorney General Mr. Cartier, and ordered one of his officers to introduce me to him. After some conversation about the case and other matters, Mr. Cartier told me that there would and could be no precipitation in the decision of the Governor; that all the papers must be submitted to the Executive and personally to the Governor, after the commitment, if there were any; that these proceedings would necessarily take several days, and that His Excellency would not decide except after mature deliberation and according to his own judgment.

He added that he did not see any occasion for hurrying the matter; that we should have all the time required for *habeas corpus*, and finally that I might have the fullest confidence in the word of the Governor General, whose promise I had communicated to him. We then parted in the most friendly way.

On the 22nd of August, the argument being closed before the Police Magistrate at 5 o'clock, P.M., he rendered his judgment at half-past 11, notwithstanding the prayer of Mr. Doutre to postpone it to the following day for better consideration. His Excellency was then passing through Montreal from Ottawa to Quebec, and it was rumoured that he would stop an hour at Montreal. Everything was so much hurried up that this circumstance looked very suspicious to the prisoner, as he communicated to his Counsel. As soon as possible an application was made for a writ of *habeas corpus*.

I was present in Chambers, Court of Queen's Bench, on the 24th of August, when Mr. Ramsay, the Crown Prosecutor, complained of the short notice of twenty-four hours he had received of the petition for *habeas corpus*. Although the Judge decided that the notice was sufficient, Mr. Doutre offered to allow two or three days to answer it, provided the writ should issue immediately so as to place the prisoner more expressly under the exclusive control of the Honorable Judge and Court. Mr. Ramsay having declined to accept that offer, Mr. Doutre, after some argument of the case, stated that he felt bound to make himself the echo of his client's mind, and to express the deep apprehension of foul play under which he laboured. Mr. Ramsay protested against such insinuations and, as he said, calumniations of the institutions of the country, the Governor General being the only person under whose warrant the prisoner could be extradited, and he was fully protected against any illegal processes. His Honor the Judge said that the question being of high importance, and the prisoner being from this moment under the control of

the Court, he would take to the next day to mature his judgment. The Counsel for the French Government was also present and heard on their behalf.

On the same night, 24th of August, at about half-past 8, I was at Mr. Doutré's house, when he told me that persons who wished not to be seen at that moment had assured him that Lamirande was to be spirited away that night. We could not believe it; notwithstanding Mr. Doutré went to the house of the Judge to consult him, and I went to the Bonaventure Station, where all trains leave. At about half-past 9 Mr. Doutré, in company of the Judge, Mr. Drummond, before whom the application for *habeas corpus* was made, came there also. Then the Judge meeting High Constable Bissonnette, told him that an affidavit had been made before him to the effect that some attempt was to be made during the night to remove the prisoner Lamirande from his jurisdiction.

Mr. Bissonnette answered that he knew nothing thereof, and had received no order to that effect.

Mr. Justice Drummond then told Mr. Bissonnette that he gave him notice thereof, and that if any such thing should happen he would hold him responsible. Immediately after this Mr. Bissonnette and the French detective Melin, who was in Bissonnette's company, disappeared, when Judge Drummond said that having sufficient evidence that there was something on foot, he would go to the gaol.

A few minutes after, the Quebec train being in motion, Mr. Doutré advised me to go down to Quebec, and do as circumstances would require. I did so; but the train stopped at Point St. Charles and we were all detained there until 1 o'clock A. M. During that interval I walked up and down, and saw that the train was divided into two parts, some three or four cars having been left some distance behind. About one or two minutes before the final departure of the train the two parts were coupled together. Having more than suspicions about what was going on, I tried to look into those cars. One of them was a baggage car having a kind of balcony passage. Seeing light in that car, I went into the passage and saw Lamirande through the window. The door was locked. Around Lamirande I saw High Constable Bissonnette, the French detective Melin, and one or two others I did not know. I called Lamirande by his name, and he made a move towards me but was immediately brought down by force, and the light inside was blown out. I did not see him any more before reaching Point Lévi, near Quebec, on the morning of the 25th of August. On the way down I prepared two telegrams, one addressed to the Governor General, the other to Lawyers of Quebec: I applied to five stations to have my telegrams sent to their destination. In two of them I found no operator; in two others I was told that they were not in working order; and in the last objection was made to my telegrams because they were written in pencil. We arrived at Point Lévi about ten o'clock. I met Lamirande at the ferryboat. I asked his guardians under what authority they were conveying him. They answered at first that they had no account to give, but at last they said that they had the Governor's warrant. I reminded Bissonnette of what had been told him by Mr. Justice Drummond in my presence. He answered that when he had the Governor's warrant he laughed Judges' orders: Bissonnette's assistants were saying the same; this all amidst threats of violence and arrest against me if I said anything more. All the while the ferry boat was directed towards the Steamer *Damascus*, laying at the Quebec Wharf, and waiting for the ferry under steam. Lamirande was immediately transferred on the steamer which left a few minutes afterwards. My mission was then at an end. I could not do anything more for Lamirande, and I returned. When I came back to Montreal the Judge had given his decision, allowed the writ of *habeas corpus* and pronounced his opinion for discharging the prisoner.

The other facts connected with this affair being related in an affidavit of Joseph Doutré, Esquire, are omitted in the present deposition to avoid repetition. And further deponent says not, and his deposition being read to him, he declares it contains the truth, and has signed.

(Signed,)

C. S. SPILTHORN.

Sworn and acknowledged before me at Montreal, this 4th day of October, 1866.

(Signed,)

CHARLES MONDELET, Jun.



(Inclosure 5 in No. 1.)

PROVINCE OF CANADA, }  
 District of Montreal, } (L. S.)  
 In Chambers.—Tuesday, August 28, 1866.

Before the Honorable Mr. Justice Drummond. In the matter of Ernest Sureau Lamirande, for a writ of *habeas corpus*.

The Honorable Mr. Justice Drummond pronounced the following judgment:—

On the 26th July last, a document under the signature of His Excellency the Governor General, purporting to be a warrant for the extradition of the petitioner, issued under the authority vested in His Excellency by the provisions of the Statute passed by the Legislature of the United Kingdom of Great Britain and Ireland, in the sixth and seventh years of Her Majesty's Reign, intituled, "An Act to give effect to a Convention between Her Majesty and the King of the French, for the apprehension of certain offenders," setting forth that the said petitioner stood accused of the crime of "forgery," for having in his capacity of Cashier of the Branch of the Bank of France, at Poitiers, made false entries in the books of the said Bank, and thereby defrauded the said Bank of the sum of seven hundred thousand francs;" that a requisition had been made to His Excellency by the Consul General of France in the Provinces of British North America, to issue his warrant for the apprehension of the said petitioner, and requiring all Justices of the Peace and other Magistrates and Officers of Justice within their several jurisdictions to aid in apprehending the petitioner and committing him to gaol.

Under this document the prisoner was arrested, and after examination before William H. Bréhaut, Esq., Police Magistrate and Justice of the Peace, was fully committed to the common gaol of this district on the 22nd day of the current month of August.

On the following day, between the hours of 11 and 12 o'clock in the forenoon, notice was given in due form by the prisoner's Counsel to the Counsel charged with the criminal prosecutions in this district, that he (the said Counsel for the prisoner) would present a petition to any one of the Judges of the Court of Queen's Bench, who might be present in Chambers at 1 o'clock in the afternoon of the following day (the 24th), praying for a writ of *habeas corpus* and the discharge of the prisoner.

At the time appointed this petition was submitted to me.

Mr. J. Doutré appeared for the petitioner, Mr. T. K. Ramsay for the Crown, and Mr. Pomerville for the private prosecutor.

A preliminary objection, raised on the ground of insufficient notice, was overruled.

Mr. Doutré then set forth his client's case in a manner so lucid that I soon convinced myself, after perusing the statute cited in the warrant of extradition, that the warrant itself, the pretended warrant of arrest alleged to have been issued in France, (*arrêt de renvoi*), and all the proceedings taken with a view to obtain the extradition of the petitioner, were unauthorized by the above cited Statute, illegal, null and void, and that the petitioner was therefore entitled to his discharge from imprisonment.

But as Mr. Pomerville, whom I supposed to be acting as Counsel for the Bank of France, wished to be heard, I adjourned the discussion of the case until the following morning.

I would have issued the writ before adjourning had the Counsel for the prisoner insisted upon it; but that gentleman, was, no doubt, lulled into a sense of false security by the indignation displayed by the Counsel for the Crown, when Mr. Doutré signified to me his apprehension that a *coup de main* was in contemplation to carry off the petitioner before his case had been decided.

On the following morning, Saturday the 25th of this month, I ordered the issuing of a writ of *habeas corpus* to bring the petitioner before me with a view to his immediate discharge.

My decision to discharge him was founded upon the reasons following:—

1. Provided by the 1st section of the Act of the British Parliament, to give effect to a convention between Her Majesty and the King of the French for the apprehension of certain offenders, (6 and 7 Vic., cap. 75,) that every requisition to deliver up to Justice any fugitive accused of any of the crimes enumerated in the said Act, shall be made by an Ambassador of the Government of France, or by an accredited Diplomatic Agent, whereas the requisition made to deliver up the petitioner to Justice, has been made by Abel Frederic Gauthier, Consul General of France in the Provinces of British North America,

who is neither an Ambassador of the Government of France, nor an accredited Diplomatic Agent of that Government, according to his own avowal upon oath.

2. Because by the 3rd section of the said Statute it is provided that no Justice of the Peace or any other person shall issue his warrant for any such supposed offender, until it shall have been proved to him upon oath or affidavit, that the person applying for such warrant is the bearer of a warrant of arrest, or other equivalent judicial document, issued by a Judge or competent Magistrate in France authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge, or unless it shall appear to him that the act charged against the supposed offender, is clearly set forth in such warrant of arrest or other judicial document; whereas, the Justice of the Peace who issued his warrant against the petitioner, issued the same without having any such proof before him, the only document produced before him, as well as before me, in lieu, of such warrant of arrest or equivalent judicial document, being a paper-writing, alleged to be a translation into English of a French document, made by some unknown or unauthorized person, in the office of Counsel for the prosecutor at New York, and bearing no authenticity whatever.

3. Because, supposing the said document, purporting to be a translation of an *acte d'accusation* or indictment, accompanied by a pretended warrant for arrest, and designated as an *arrêt de renvoi* to be authentic, it does not contain the designation of any crime comprised in the number of the various crimes for or by reason of the alleged commission of which any fugitive can be extradited under the said Statute.

4. Because, by the 1st section of the said Act, it is provided that no Justice of the Peace shall commit any person accused of any of the crimes mentioned, in the said Act to wit: murder, attempt to commit murder, forgery, and fraudulent bankruptcy, unless upon such evidence as according to the laws of that part of Her Majesty's Dominions in which the supposed offender shall be found, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be accused had been there committed.

Whereas, the evidence produced against the petitioner, upon the accusation of forgery brought against him before the committing Magistrate, would not have justified him in apprehending or committing the petitioner for the crime of forgery, had the acts charged against him been committed in that part of Her Majesty's Dominions where the petitioner was found, to wit: in Lower Canada.

5. Because, the said warrant for the extradition of the prisoner, as well as the warrant for his apprehension, does not charge him with the commission of any one of the crimes for which a warrant of extradition can be issued under this Statute, inasmuch, as in both of the said warrants the alleged offence is charged against the petitioner as "forgery, by having in the capacity of Cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the bank, and thereby defrauding the said Bank of the sum of 700,000 francs.

Whereas, the said offence, as thus designated, does not constitute the crime of forgery according to the laws of England and Lower Canada, for to use the words of Judge Blackburn, when he pronounced judgment concurrently with C. J. Cockburn and Judge Shee, in a case analogous to this, *ex parte* Charles Windsor, Court of Queen's Bench, May, 1865, "forgery is the false making of an instrument purporting to be that which it is not; it is not the making of an instrument purporting to be that which it is; it is not making of an instrument which purports to be what it really is, but which contains false statements. Telling a lie does not become a forgery because it is reduced to writing."

The Gaoler's return to this writ of *habeas corpus* was, that he had delivered over the prisoner to Edme Justin Melin, Inspecteur Principal de Police de Paris, on the night of the 24th instant, at 12 o'clock, by virtue of an order signed by W. H. Sanborn, Deputy Sheriff, grounded upon an instrument signed by His Excellency the Governor General.

It appears that the petitioner thus delivered up to this French Policeman, is now on his way to France, although his extradition was illegally demanded, although he was accused of no crime under which he could have been legally extradited, and, although, as I am credibly informed, His Excellency the Governor General had promised, as he was bound in honor and justice to grant, the petitioner an opportunity of having his case decided by the first tribunal of the land, before ordering his extradition.

It is evident that His Excellency has been taken by surprise, for the document signed by him is a false record, purporting to having been signed on the 23rd instant, at Ottawa, while His Excellency was at Quebec, and falsely certified to have been recorded at Ottawa, before it had been signed by the Governor General.

In so far as the petitioner is concerned, I have no further order to make, for he whom I was called upon to bring before me, is now probably on the high seas, swept away by one the most audacious and hitherto successful attempts to frustrate the ends of justice which has yet been heard of in Canada.

The only action which I can take, in so far as he is concerned, is to order a copy of this Judgment to be transmitted by the Clerk of the Crown to the Governor General, for the adoption of such measures as His Excellency may be advised to take to maintain that respect which is due to the Courts of Canada, and to the laws of England.

As to the public officers who have been connected with this matter, if any proceedings are to be adopted against them, they will be informed thereof on Monday, the 24th day of September next, in the Court of Queen's Bench, holding criminal jurisdiction, to which day I adjourn this case for further consideration.

We, the Honorable Louis Antoine Dessaulles and William Ermatinger, Esquire, Clerk of the Crown for the District of Montreal, do hereby certify, that the foregoing is a Copy of the Judgment rendered by the Honorable Lewis Thomas Drummond, one of the Justices of the Court of Queen's Bench for Lower Canada, at Montreal, on the 28th day of August, 1866, upon the petition of the said Ernest Sureau Lamirande for a writ of *habeas corpus*.

(Signed,)

DESSAULLES AND ERMATINGER,

Clerk of the Crown, District of Montreal.

Crown Office, Montreal, October 4th, 1866.

*No. 2. Copy of a Despatch from Viscount Monck to the Right Honorable the Earl of Carnarvon.*

(No. 164.—Received November 1, 1866.)

MY LORD.—I have the honor to acknowledge the receipt of your Lordship's Despatch, No 61, of September 22, transmitting a copy of a Despatch from Her Majesty's Ambassador at Paris to the Secretary of State for Foreign Affairs, accompanied by a letter from a French subject named Lamirande, complaining of his having been given up to the French Government under the Extradition Treaty, and more especially of the manner in which he was removed from Canada, while his case was still under consideration of a Judge of the Court of Queen's Bench.

I have also the honor to acknowledge the receipt of your Despatch, No. 67, of September 27, in which you inform me that Her Majesty's Ambassador had been instructed to request a delay in the legal proceedings against Lamirande until authentic information about the case had been received from Canada.

I had hoped to been able, in conformity with your Lordship's instructions, to have sent my report of this case by last week's mail; but owing to the fact that the ship which brought your first Despatch was delayed much beyond the usual time of arrival, I found it impossible to get all the information ready in time.

I have now the honor to transmit the several documents connected with the extradition of Lamirande,\* and also beg leave to refer Your Lordship to my Despatch on this subject, No. 155, of the 6th instant, and the papers enclosed in it.

This case seems to divide itself naturally into three heads:—

1st. The legal grounds which exist for the extradition of the prisoner.

2nd. The manner of his extradition.

3rd. The conduct of the different persons connected with the Government who took any part in the proceedings.

I shall endeavor to express to your Lordship my views on the subject in this order.

The first and most important question to be resolved is, whether this prisoner has

\*The Attorney General for Lower Canada to Lord Monck, October 17, 1866; T. K. Ramsay, Esq., to the Hon. Attorney General for Lower Canada: Depositions.

committed any act for which his surrender could be demanded under the Extradition Treaty with France.

The crime alleged against him is that of "forgery," by having in the capacity of Cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the Bank, and thereby defrauded the said Bank of the sum of 700,000 francs.

In the French version of the Treaty the word used in treating of crimes of this description is *faux*, which, in the English version,—I presume for want of an equivalent English word,—is rendered by the word "forgery."

Now, I believe it is true that, according to the English law, the falsification of entries in a banker's book does not constitute the crime of "forgery."

But it is equally true that, under this Treaty, prisoners may be surrendered to the French authorities for acts which are not cognizable by the criminal law of England.

It is only necessary to state, in order to prove this, that "fraudulent bankruptcy," is one of the acts for which a prisoner may be surrendered, and that this act is notoriously not punishable criminally in England.

In order, therefore, to ascertain whether this prisoner has committed an offence for which he might legally be surrendered under the Treaty it is necessary to discover what meaning the French criminal law attaches to the word *faux*.

On referring to :—

"Les Codes Français collationnés sur le Textes Officiels, par Loius Tripier, Seizième édition, Paris, 1865; Code Pénal, livre iii, chapitre 3; Crimes et Délits contre la Paix Publique, section première du Faux."

I find that the word *faux* includes a great variety of acts which, I presume, would not be "forgery" under British law.

Section 3 of this chapter is headed "Des faux en écriture publique ou authentique et de Commerce ou de Banque."

Article 3 of this section, page 853, reads as follows :—

"Seront punies de travaux forcés à temps toutes autres personnes qui auront commis un faux en écriture authentique et publique ou en écriture de commerce ou de banque.

"Soit par contrefaçon or altération d'écriture ou de signatures.

"Soit par fabrication de conventions, dispositions, obligations ou décharges, ou par leur insertion après coup dans les actes."

From this, I think it is apparent that the act for which the extradition of the prisoner was demanded is a crime by the laws of France, and is included under the general designation *faux*, used in the French version of the Treaty.

These considerations appear to me to dispose of the question as to whether the prisoner has committed any act for which his extradition could be demanded under the Treaty with France.

The next point of dispute in the case is as to the authority of the French official who made the demand for the extradition of the prisoner, namely the Consul General of France in British North America. I confess that when the subject came before me for my decision, my own opinion concurred in that of the Law Officers of the Crown in Canada, that the Consul General who resided amongst us as the recognized Agent of the French Foreign Office, was clothed with sufficient powers to put the Treaty and Statute in operation.

The only other question, as it appears to me, connected with this branch of the case, refers to the legal documents which the Statute requires to be given in evidence before the Magistrate on the preliminary investigation.

The objection to the extradition of the prisoner in this respect, seems to rest principally on the non-production of a legal document from the French Court, called an "*arrêt de renvoi*."

In order to explain the bearing of this objection, it is necessary to state that this prisoner originally escaped from France to New York, where an application was made for his extradition under the provisions of the Treaty between France and the United States of America.

On the investigation of this application before the Magistrate at New York, Lamirande was represented by Mr. Spilthorn, who was also one of his counsel at Montreal.

The *arrêt de renvoi* alluded to, was produced in due form before the Court at New York, and it was proved at the investigation at Montreal, on the oath of Mr. J. R. Coudert, an

advocate residing at New York, that the document was abstracted by Mr. Spilthorn, and that the prosecutors have never since been able to recover possession of it.

Lamirande effected his escape from jail at New York before judgment was given there on the application for his extradition, came to Canada, and the application for his extradition was made here.

On the proof of the facts which I have above detailed, to account for the absence of the "*arrêt de renvoi*" at the trial at Montreal, the magistrate admitted secondary evidence of its contents to be given.

I was advised that it was competent for him to do so, and I think Your Lordship will agree with me that, assuming that this advice was sound in law, the case was not one in which I was called on to depart from the strict letter of the law in favor of the prisoner.

I think I have now given Your Lordship the impression produced on my mind by the consideration of all the points raised as to the grounds which existed for the surrender of Lamirande.

You will find them dealt with elaborately and in a more technical form in the accompanying reports from the Attorney General and Mr. Ramsay, the counsel who represented the Attorney General in the investigation at Montreal.

I now come to the consideration of the manner in which this prisoner was taken out of the jurisdiction of the Canadian Courts.

By the 6th and 7th Vic., chap. 75 (the Statute passed for giving effect to the Extradition Treaty with France), the public functionaries named in the Act, amongst them, in Colonies, the Governor, are required, on being notified that a person who is accused of having committed within French Territory any of the crimes enumerated in the statute, to issue their warrant for his apprehension.

This was done by me in the case of Lamirande.

The next step required by the Statute is the examination of the charge on oath before a Justice of the Peace.

The proceeding also took place, and on the 22nd August the prisoner was duly committed by the justice "to jail, there to remain until delivered, pursuant to such requisition."

In the meantime, and while the investigation before the Justice of the Peace was proceeding, I think about the 16th or 17th of August, a petition was presented to me, stating that apprehensions were entertained that this prisoner would be carried out of the jurisdiction of the Canadian Courts, without having time allowed him to make an application for a writ of *habeas corpus*. On that occasion I saw Mr. Spilthorn, one of the Counsel for the prisoner, and I told him that time for making such an application should be allowed.

On the 22nd August I left Ottawa for Quebec, arriving there on the morning of the 23rd.

Late in the forenoon of the 24th, Mr. Langevin Solicitor General for Lower Canada, called upon me with the warrant of extradition (bearing date the 23rd, on which day it was sealed at Ottawa, where the officer who has charge of my seal resides), and gave me his opinion in writing that, in point of law, the case came within the provisions of the Extradition Treaty, and that the warrant should issue.

Seeing that the case involved no question of public policy, and was one the decision of which rested on legal points, I determined to act on the opinion of the Solicitor General.

I then looked at the date of the committal (the 22nd), and as two days appeared to have elapsed since the prisoner had been committed to jail, it seemed to me that ample time had been allowed to enable him to obtain a writ of *habeas corpus*.

I then asked the Solicitor General whether, supposing a writ of *habeas corpus* had been sued out, the signing of the Warrant of Extradition would prevent the prisoner from obtaining the benefit of it. To this Mr. Langevin replied that it would not.

Having satisfied myself on these points, I signed the warrant of extradition, which I am informed was sent to Montreal by the ordinary train from Quebec, and arrived there late in the evening of the same day.

It is scarcely necessary for me to add that when I signed the warrant of extradition I was not aware, and I am assured by him that neither was the Solicitor General, that any application had been made for a writ of *habeas corpus* on behalf of the prisoner.

These are the facts as far as they came within my own knowledge; and it appears to me, that the sole question is, whether the time allowed the prisoner between his committal on the 22nd, and the execution of the warrant late in the evening of the 24th, was or was not sufficient to enable him to obtain a writ of *habeas corpus*, in order to have the legal points in his favor considered and decided by a competent tribunal.

This matter appears to me to be at once set at rest by the statement of Mr. Justice Drummond, namely, that the case was brought before him on the 24th, and that "he would have issued the writ before adjourning had the counsel for the prisoner insisted upon it."

Had the Judge adopted this course, the prisoner would have been, according to the opinion given to me by the Solicitor General, taken into the custody of the Court, and if the Judge so decided, would have been discharged before warrant for extradition could have been executed.

Unfortunately the Judge did not act in this manner, which I believe I am justified in saying is the ordinary practice in cases of application for a writ of *habeas corpus*, and in consequence the warrant of extradition was executed, and the prisoner was sent out of the Province.

Mr. Justice Drummond is represented as having gone in person to the prison and forbidden the gaoler to deliver up the prisoner to any authority whatever, but it is scarcely necessary to say that the proceedings which the Judge adopted in this respect, instead of, as he might have done, immediately issuing the writ of *habeas corpus*, were entirely extrajudicial and irregular, and that no public official would have been justified in disobeying, in conformity with directions so given, the requirements of a duly executed and authenticated warrant.

Should your Lordship think that I signed the warrant of extradition with so much haste that sufficient time was not allowed to the prisoner to obtain the writ of *habeas corpus*, I feel that in this view of the case I am chargeable with the responsibility of the miscarriage which has occurred.

The third branch of the subject remains to be considered, namely the conduct of those who took part in these proceedings.

These persons are myself, the Attorney and Solicitor General for Lower Canada; Mr. Bréhaut, the committing Magistrate; Mr. Ramsay, the gentleman who represented the Attorney General at the investigation at Montreal; and Mr. Schillier, Deputy Clerk of the Crown.

With regard to myself, I have laid before your Lordship without reserve every step which I took in the transaction.

I have observed an apparent desire on the part of almost all those who have discussed this subject, to protect me from blame at the expense of the Law Officers of the Crown, by the assertion that I was made the victim of a deception, and that I was surprised into putting my signature to the warrant of extradition.

The narrative which I have given to your Lordship shows that I am neither able or willing to accept any such protection.

I signed the warrant with the full knowledge of what I was doing, and in the opinion that, assuming the prisoner to use ordinary diligence in the assertion of his legal rights, he had been allowed sufficient time for that purpose.

The part which Mr. Cartier, the Attorney General, took personally in the matter was very slight. During the greater part of the time occupied in the preliminary investigation before the Magistrate, he was at Ottawa.

He was, I believe, at Montreal when the prisoner was committed, but I do not think it is alleged that he took any part in the proceedings. When the warrant of extradition was signed, and the prisoner was removed, the Attorney General was at the sea side more than 300 miles from Montreal.

The interference of Mr. Langevin, the Solicitor General, with the proceedings in the case, was confined to the two legal opinions which he gave me. The one in writing on the whole facts of the case, that the prisoner ought to be surrendered; the other verbally, that the signing of the warrant of extradition would not interfere with the operation of the writ of *habeas corpus* if the writ had been issued before the execution of the warrant by the extradition of the prisoner.

I have not heard any insinuation against the conduct of Mr. Bréhaut in the matter nor do I believe it is impugned.

Mr. Ramsay's connection with the case is detailed at length in his own report, and I cannot see that he has laid himself open to any charge.

Your Lordship will observe that he explains the statement in Mr. Justice Drummond's observations, by saying that his indignation was excited, and expressed at the application by Mr. Doutré of the term "kidnapping" to the regular execution of a valid legal warrant, and that he pointedly told both the Judge and the Counsel for the prisoner, that the Governor's Warrant of Extradition was the only means by which Lamirande could be removed.

I do not understand that the conduct of Mr. Schiller, the Deputy Clerk of the Crown, has been impugned.

I have thus endeavoured to lay before Your Lordship, with as much clearness and conciseness as I can command, an account of the facts of this case.

I have to express my regret that any prisoner should appear to have been removed from the Province, the affairs of which I have the honor to administer, without having secured the benefit of every privilege which our law could afford him.

I must, however, call Your Lordship's attention to the fact, that not one step has been taken in this case which, assuming the legal ground for extradition to exist, is not in strict conformity with the law.

Before Your Lordship shall decide on the merits of the share which I have had personally in this transaction, I desire to bring before your notice some general considerations affecting the duties which my position casts upon me in reference to such cases.

I assume that Extradition Treaties are based on the principle that all men have a common interest in the suppression of the crimes which are made the subjects of these international contracts.

This being assumed, it follows, in my opinion, that persons accused of crimes under Treaties of Extradition are entitled to no favor or indulgence at the hands of public officers entrusted with the execution of the law.

They are entitled to every right which the provisions of our law, strictly administered, allows them, but to nothing more.

Some stress has been laid on what is called my "promise" to the prisoner's Counsel, when he saw me at Ottawa, that time should be allowed him for making his application for a writ of *habeas corpus*.

The "promise" alluded to consisted merely of a declaration that time was always allowed for such a purpose, and that his case would not be treated differently from that of other prisoners in similar circumstances.

Had I made the prisoner's Counsel a promise that any unusual favor should be shown to him, or that the ordinary routine should in his case be changed, I should, according to my ideas, have violated my public duty.

I also wish to call Your Lordship's attention to the nature of the writ of *habeas corpus*, and the mode in which that writ is brought to bear on the execution of the laws.

The issue of the writ of *habeas corpus* is not a step in the ordinary routine of the administration of justice.

The right to obtain this writ is an extraordinary power, conferred by Statute on a prisoner, by means of which he can arrest the usual course of the administration of the law, and test the validity of the proceedings adopted against him.

But until the writ is issued, and the ordinary course of the law thereby suspended, the machine of legal administration continues to move on, and if a prisoner neglects to avail himself with proper diligence of the privileges which the Statute confers upon him, he has no right to complain if his interests suffer.

I have endeavoured to show that in this case sufficient time was allowed by me to this prisoner to assert his legal rights.

If I had allowed him more than this, I think I should not have performed my duty, and the prisoner having neglected to take advantage of the opportunity offered him, cannot, I think, reasonably charge me with blame for the results of the supineness of himself or his counsel.

If these results were produced by the improper conduct of any persons representing

the Crown in the transaction, such persons should be held strictly responsible for their acts, but I am unable to see that this has been the case, and assuming, with Mr. Justice Drummond, that sufficient time was allowed to the prisoner to obtain the writ of *habeas corpus*, I think the conclusion is inevitable, that the blame for what has happened rests with those, who, having charge of the prisoner's interests, neglected to avail themselves of the opportunity afforded them.

I have, &c.,

(Signed,)

MONCK.

The Right Hon. the Earl of Carnarvon,  
&c., &c., &c.

(Inclosure I in No. 2.)

*Report of the Attorney General.*

To His Excellency the Right Honorable Viscount MONCK, Governor General of Canada,  
&c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

In obedience to the request contained in the letter of Denis Godley, Esq., your Lordship's Secretary, I have the honor to lay before Your Excellency, a copy of all the proceedings which took place before the Police Magistrate, by whom Ernest Sureau Lamirande was committed, and the report of T. K. Ramsay, Esq., and at the same time to report to Your Excellency, that I have carefully examined all those proceedings, and have no hesitation in saying that under the evidence adduced before that Magistrate, the commitment was properly ordered.

I fully concur in the report made by the Honorable H. L. Langevin, Solicitor General for Lower Canada, advising Your Excellency that the warrant of extradition ought to issue.

I have further to remark that I have carefully perused the report of Mr. Ramsay, and that I fully agree with him in the legal arguments used by him, and the legal position taken by him, in support of the Police Magistrate's decision, and in support of the propriety and necessity of the issue of a warrant of extradition in the case.

Without entering into any of the different arguments stated by Mr. Ramsay, the principal question to be solved is, what law should apply to determine the criminality of the offence committed by Lamirande; whether it should be the criminal law of England and Canada, nearly alike, or the law of France. I consider that the offence of which Lamirande was accused came within the Treaty, for although not strictly forgery, according to the criminal law of England and Canada, yet the evidence was sufficient to establish the commission of one of the offences mentioned in the Treaty, viz., the "*crime de faux*," or forgery, as determined by the laws of France. As there exists considerable difference between forgery, "*crime de faux*" in France, and forgery according to the laws of England and this country, I am of opinion that the determining the offence according to the laws of the former country, with which the Treaty was made, was correct, the laws of France being taken to establish the crime. The contrary would, in my opinion, render the Treaty a dead letter.

With regard to any supposed irregularity in the documents produced as evidence against Lamirande, I may mention that the *arrêt de renvoi* stated to have been wanting, and the absence of which is accounted for in Mr. Ramsay's Report, by the fact of its having been abstracted in New York by Lamirande's Counsel, was replaced by the next best evidence which could be produced, and which I consider to be in such case strictly legal, an authentic translation, properly certified and duly proved, bearing the initials of the Commissioners in the United States, with whom it was filed, and by whom it was used. I therefore consider that the objection made to such copy being received as evidence, is of no avail.

As to the other objections, they are amply answered by Mr. Ramsay.

With regard to the writ of *habeas corpus*, it could not be directed against the Governor's warrant, but against the commitment of the Magistrate who investigated the case; and as there was a delay of more than fifty hours between the commitment which took place on Wednesday, the 22nd August last, and the surrender of the prisoner, late



on Friday night following, ample time and opportunity were afforded to obtain the writ of *habeas corpus*. Thus the prisoner was by no means deprived of the privileges attached to the obtaining of that writ. The proceedings in matters of *habeas corpus* must be prompt and summary. By the 4th section of chapter 95 of the Consolidated Statutes of Lower Canada (24th Geo. III., cap. 1, sec. 3), the writ of *habeas corpus* must be granted at once and without any delay by the Judge to whom the request for its issue is made; and the Judge is, within forty-eight hours (two days), after the party is brought before him, bound to give his decision whether the prisoner has to be discharged or not. The prisoner had thus more time to claim and procure the issue of the writ than is given by law to the Judge to decide on the merits of the case. Besides which, the investigation has already occupied a period of more than three weeks, thus affording every opportunity for making preparation for the adoption of any course which the prisoner's counsel might have contemplated.

I respectfully call the attention of Your Excellency to the statement of Mr. Ramsay, that on Friday, the 24th August, Mr. Justice Drummond adjourned the case, of his own motion, and that the adjournment was solicited neither by Mr. Ramsay, nor by the counsel acting on behalf of the French Government; and that Judge Drummond has stated that if the counsel of the prisoner had moved for the issue of the writ on that day, he would have granted it. Thus, if any blame exists for the non-issuing of the writ, it attaches either to the Judge, if he thought it correct to issue the writ, or to the prisoner's counsel who did not move for its issue.

As the departure of the steamship on the following Saturday afforded the readiest way of conveying the prisoner out of Her Majesty's dominions, it became necessary to use great diligence after the commitment to have the warrant of extradition executed in time to enable the officer who was to take charge of the prisoner to avail himself of that conveyance. These facts being known to the prisoner's counsel, it was his duty also to have used diligence in any proceedings to be taken by him, which diligence does not appear to have been used.

Your Excellency's warrant once issued, there were no means of retarding its operation, and in its immediate execution the Sheriff, or his deputy, appears to have done no more than his duty.

Moreover, I consider that if the prisoner had been liberated under any writ of *habeas corpus*, for the reasons given in Mr. Justice Drummond's extra-judicial opinion alluded to in Mr. Ramsay's report, a failure of justice would have taken place, and that the French Government would have been in a position rightly to complain that the Treaty had not been carried out in this case.

(Signed,)

GEORGE E. CARTIER,  
Attorney General for Lower Canada.

Ottawa, October 17, 1866.

(Inclosure 2 in No. 2.)

*Mr. Ramsay to the Attorney General.*

COURT HOUSE, MONTREAL,  
October 15, 1866.

SIR,—I have the honor to re-inclose you Mr. Godley's letter and the extract from Mr. Justice Drummond's judgment in the case of Lamirande which accompanied that letter.

In order that you may be enabled to convey to His Excellency complete information as to the position I assumed, I shall trouble you with a narrative of my whole connection with the matter.

On Friday, the 3rd of August last, I was informed of the arrest of Lamirande under a demand for extradition by the French Government for the crime of forgery. As I was aware of the anxiety created in England by the notice given to Her Majesty's Government of the intention of the French Government to put an end to the Extradition Treaty, owing to the failure on the part of the English authorities to give it effect, and also of the steps taken in England to induce France to abandon this resolve, although I had no special instructions from you in the matter, I thought it my duty to notify the Magistrate of my intention to watch the proceedings on the part of the Crown. Some little time after, I

met Mr. Pominville, who informed me that he was retained on the part of the French Government, and he introduced me to Mr. Coudert, who had conducted the proceedings on the part of the French Government in the United States, where Lamirande had been arrested previously, and from which he had escaped. We had some conversation as to the accusation, and to the sort of proof that I should consider necessary to enable me to take conclusions for the extradition of the prisoner. On the 6th, the inquiry began before the Magistrate and was continued till the 15th, when the prosecution was closed. During the taking of the evidence I took little or no interest in the matter, and, indeed, was rarely present, as I did not conceive the Crown had anything to do with the means the private prosecutor took to make out his case. When, however, the case for the prosecution was closed, and the Counsel for the prisoner moved for his discharge, I opposed his application and maintained that a case within the Treaty had been made out. After a long argument the Police Magistrate refused to discharge the prisoner, and his Counsel then prayed to be allowed to adduce evidence for the defence. Although it is partly discretionary with the Magistrate to hear evidence or not for the defence, and that the ordinary practice here is to decline to admit it, I at once assented to the delay being accorded, and said that I considered extradition cases to be so exceptional in their character that evidence for the defence, when offered, should never be refused. The Magistrate then adjourned the case to the 20th. On the 20th, the prisoner was again brought up for examination, and the evidence suggested on his part was terminated on Wednesday, the 22nd, at what time I do not know, as I was not present when the evidence was closed. The Magistrate then heard the parties by their Counsel, but I took no part in hearing as I had been heard on the 15th, and as I did not consider the new evidence had in any way altered the position of the case. After the argument, for which I did not remain, the Magistrate adjourned for an hour or an hour and a half to prepare his judgment. On his return he fully committed the prisoner for extradition.

Immediately, on the termination of inquiry before the Magistrate, I believe the private prosecutor made preparations to obtain the Governor's warrant, authorizing the extradition. And here it is necessary to say a few words. An erroneous opinion has taken largely possession of the public mind, that the prisoner to be extradited has a right to some sort of an appeal, and that the Governor General is to supervise the decision of the committing Magistrate. It is impossible to conceive a greater blunder. The action of the Governor General is not judicial, but executive. The reason he is called upon to do the last act of extradition is not that he may decide whether the evidence is sufficient, or whether the Magistrate has given a good or a bad judgment, but because the Act of Parliament may be terminated by the rupture of the Treaty, of which a Court of Justice might not have cognizance, and of which the Governor must necessarily have the earliest information, as for instance, in the case of war, which breaks all Treaties. Again, the examination of the commitment under a writ of *habeas corpus*, is not in the nature of an appeal; it is not a necessary incident to extradition, and therefore there was no call upon the prosecution, or on the Executive to give any delay at all for a proceeding which might or which might not be taken, and which is not contemplated in the Act giving effect to the Treaty.

On the morning of the 23rd, I got notice from Mr. Doutré that he would apply for a writ of *habeas corpus* on the 24th, at 1 p. m. I went to Chambers, and met both Mr. Justice Drummond and Mr. Justice Mondelet. As the latter had already had cognizance of the affair, and as he had informed me, one day I met him in a railway train, that he was going into town on purpose to be ready to hear any application that might be made in the Lamirande case, I told him that a writ was then to be demanded. With a slight air of embarrassment, they both told me that Mr. Justice Drummond would take the case; some little time after Mr. Doutré came in and made his application, to which I interposed an objection that the notice was short, stating my reason for making the objection, that as I did not represent the French Government I could not waive any right. Mr. Justice Drummond then interrupted me very rudely, saying that he would not pass the whole afternoon with such quibbling. From that moment I began to suspect that the liberation of Lamirande was a foregone conclusion, and that Mr. Justice Drummond's appearance in Chambers that day—a most unusual circumstance, for I had not seen him there once during the vacation—was not unpremeditated, and I soon became convinced that a portion of

that plan was to compel me to silence. Shortly afterwards some allusion being made to a fact in the record, Mr. Doutre asked if the papers had been sent up. I asked him if he had given notice to the Magistrate, to which he answered he had not. This, again, called forth some expression of irritability from the Judge, who declared he would not be trifled with, and he sent for the Deputy Clerk of the Crown. On the arrival of the Clerk he stated that the record had not yet been sent to the Crown Office by the Magistrate, and that the Magistrate was not then there, but that he should be sent for. It is only due to the Deputy Clerk of the Crown to say, that however intemperately given, the directions of the Judge were carried out with the utmost celerity, and in less than an hour the papers were procured from the Magistrate and brought into Chambers; and here, it may be as well to state, that we have an express enactment declaring that the Magistrate must have notice to send up his papers, and, furthermore, before the issue of the writ the Judge had no authority over the record at all.

But our Statute, copied from the old Statute of Charles, on an application for a writ of *habeas corpus*, the Judge in vacation, under a penalty of £500 in case of contravention, is obliged to issue the writ "upon view of the copy of the warrant of commitment," unless first, the commitment be for treason or felony plainly expressed in the warrant; or secondly, that the prisoner be in execution. The prisoner Lamirande was in neither category, and it was, therefore, the imperative duty of the Judge to issue his order for the writ forthwith. Had he acted as the law directs, all the difficulties which ensued would have been avoided; and the Sheriff refusing to deliver up Lamirande on the demand of the French officer, would have been within the reservation contained in His Excellency's warrant, and the responsibility of surrendering or discharging Lamirande would then have been with the Judge, upon whom it ought to rest, and not on the officers of the Executive. To relieve the Judge of the imputation of irregularity a miserable quibble has been advanced. It has been said the writ of *habeas corpus* is a writ of right, but not of course. Now what do those words signify? Simply this, that there are two exceptions, those I have enumerated, wherein he is not obliged to issue the writ on view of the copy of the warrant of commitment, to neither of which, however, did the case in point belong. Having made the mistake of taking the argument on the petition, the prisoner remained during the whole time it lasted subject to being extradited by a warrant from the Governor; which, being directed to the Sheriff, would be acted on by him, perhaps even in ignorance of the petition for a writ; but whether ignorant of the fact or not, he would at all events have no legal excuse for delaying obedience to the writ. It will, doubtless, be in your recollection that one of the most serious charges against the Chief of Police, Mr. Lamothe, after the enlargement of the St. Alban's raiders by the Judge of Sessions, was his delaying only-half-an-hour to execute a warrant issued for their re-arrest by a Judge of the Superior Court acting in his capacity of a Justice of the Peace, in order that he, Mr. Lamothe, should have time to inquire as to the legality of the re-arrest. Can it, then be pretended that the Sheriff, even if he did know that an application for a *habeas corpus* was pending, could have refused obedience to the Governor's warrant till the decision was come to? Such a doctrine would lead to the most extraordinary results, and to the destruction of all executive subordination. Besides, if a notice of an application for a writ of *habeas corpus* could thus paralyze the action of the Executive, it would be competent for a prisoner, committed for extradition, by repeated applications, to defer the evil day as long as he chose.

But to return to the narrative, after the papers came up, Mr. Justice Drummond announced his intention of sitting as late as might be necessary for the hearing, and Mr. Doutre entered at great length into the case. When he had spoken for nearly an hour Mr. Drummond asked me to answer what Mr. Doutre had said, for from what he had heard he said he felt disposed to discharge the prisoner. I then replied, speaking only to the law of the case, and not occupying twenty minutes, but maintaining that the case was within the Treaty. When I had finished I mentioned that Mr. Pominville, on the part of the French Government, had something to say as to the facts. So soon as Mr. Pominville rose, Mr. Drummond said that he would adjourn the case to the next day. After the extradition it was stated boldly in one of the newspapers that Mr. Pominville had asked for an adjournment. This is totally incorrect. It was the Judge who, of his movement, ordered it (see the extract of his judgment, inclosed by Mr. Godley, where he says; "I

adjourn, &c."); and after the announcement that the Judge would sit late, this took us not a little by surprise for it was hardly 5 o'clock, and I had made arrangements with the Deputy Clerk of the Crown, Mr. Schiller, that he should not go so long as the Judge sat, in order that no delay should occur in issuing the writ if ordered. Within half-an-hour after the adjournment, I left the Court House, and heard nothing of the proceedings till next morning about ten, when I heard that Lamirande had been removed during the night under a warrant from the Governor General. I was just going to write to the Judge to tell him that this put an end to the case, when I got a message from him to say he wanted to see me. I found him laboring under quite as much irritability as on the day before, and as he seemed desirous of finding fault with some one, and at a loss to know with whom he ought to find fault, I thought it right to tell him that had I been asked by the Sheriff, the night before, whether Lamirande ought to be given up, there being no other cause of detainer in the Sheriff's hands, I should have told him to obey the Governor's warrant immediately. I added, however, that I had not had an opportunity of giving this advice, as I had never seen the Sheriff or his deputy on the subject. It is perhaps, however, right for me to state here, that the Sheriff was not at all likely to ask my advice, for in a similar case in June I had telegraphed in, for the guidance of the Sheriff, to say that the Governor's warrant must be obeyed according to its tenor, at all hazards, and there is but one exception to the Governor's warrant, namely, that the prisoner be not detained "for any other cause, matter or thing." This answer seemed at the time to satisfy Mr. Drummond, and a few minutes after he even came to my Chambers, without there being anything in his manner indicative of violent feeling. It was therefore, a new surprise for me, when on the return of the *habeas corpus*, which, he it observed, he issued after he was well aware of the removal of the prisoner, he indulged in a most unmeasured attack on the officer of justice who had conducted the prosecution.

As a report of this attack got into the newspapers, I thought it my duty to reply in a letter addressed to the "*Montreal Gazette*," a copy of which is appended, marked "A," so that these most injurious and libellous accusations should not go abroad uncontradicted.

On the 27th, Mr Justice Drummond, having determined to give a judgment in the case, although there was no prisoner, and no order could be made, actually took possession of the Court of Appeals, where he has only a right to sit as one of five Judges, and there, before a great concourse of people, read a judgment, and made observations, which I am informed, for I had declined to be present, were correctly reported in the *Herald* of the 29th. It is from this report, the extract inclosed in Mr. Godley's letter is taken. I was not present when the words mentioned in the inclosed extract were used; but, so soon as I saw the report, I replied to the renewed attack by a letter in the *Gazette*, "B," and in that letter is to be found my answer to the portion of the Judge's remarks, adverted to by Mr. Godley. The indignation I expressed was at the use of the word "kidnap" by Mr. Doutre, and I at once told him that it was idle to talk of kidnapping, for that the prisoner could only be removed by one process, that is on the warrant of the Governor General.

Had the distinctions thus established before the extradition, been observed afterwards, much foolish declamation would have been avoided, and much ill-feeling prevented.

To affirm that a man removed by process of law is kidnapped is nonsense; and to affirm that Lamirande was kidnapped is to beg the question.

Having recapitulated the main facts of the case in order to give you a full idea of the position I took, it only remains for me to refer to the legal considerations which induced me to regard the case as coming within the Treaty.

The only question that gave rise to any solicitude on my part was the question whether the offence not being forgery by our law, Lamirande could be extradited for forgery by the law of France, and, if so, whether we should take the law of France, as stated in the *arrêt de renvoi* and the French affidavit, or oblige the prosecution to make further proof of the constituents of forgery by the law of France. It would probably have been agreeable to the prosecution had I adopted the view that the offence charged was forgery by our law, or even had I left my opinion as to the nature of the offence doubtful; indeed, one of them, Mr. W. Coudert, battled long and earnestly to bring me to the conclusion that it was, but I unhesitatingly stated my opinion, on the 15th, when the case for the Crown was closed, that forgery by the law of England, had not been brought home to the prisoner,

and that the question to be decided was whether he could be extradited on the proof of forgery according to the law of France.

The issue was thus narrowed down to a very small point, and, as I have said, there was no equivocation as to the view of the case taken by me. It is true much time was wasted in the discussion of whether the demand by the French Consul was legal, and as to whether the evidence was sufficient to maintain the accusation. It was also pretended that the French detective ought to be actually in possession of a French warrant of arrest.

The whole of this part of the discussion appeared to me idle in the extreme. It is not necessary to be a lawyer to know that the authority of the French Consul to demand the extradition was an executive, and not a judicial question, and, one in which the prisoner could not have any legitimate interest. It is a stipulation in favor of the power from which the extradition is sought, and not in favor of the prisoner.

Again, as to the evidence of the falsification, nothing could be more complete, and it was not even seriously denied. As I found myself under the necessity of answering publicly, on the first of September, Mr. Justice Drummond's extra-judicial opinions expressed on the 29th in the Court of Appeals, I shall now repeat the argument I then used. Before doing so, however, there is one point to which I have not there adverted; and it is whether the prosecution was bound to prove the foreign law by testimony. I think not, and that it is not competent for the Judge here to go behind the French warrant. But, at any rate, this was not insisted upon seriously at the time, and, besides, it is not strictly true that there is no evidence of the French law, for the French deposition on which the proceedings in France were based, after setting up the facts, calls it forgery.

Mr. Justice Drummond said:—

“My decision to discharge him was founded on the reasons following:—

“First, because it is provided by the first section of the Act of the British Parliament to give effect to a convention between Her Majesty and the King of the French, for the apprehension of certain offenders (6 and 7 Vic., cap. 75; that every requisition to deliver up to justice any fugitive accused of any of the crimes enumerated in the said Act, shall be made by an Ambassador of the Government of France, or by an accredited Diplomatic Agent, whereas, the requisition made to deliver up the petitioner to justice has been made by Abel Frederic Gautier, Consul General of France in the Provinces of British North America, who is neither an Ambassador of the Government of France nor an accredited Diplomatic Agent of that Government, according to his own avowal upon oath.”

In the first place, it is evident that, if the requisition must be made by an Ambassador, and it must be this the Judge means, it renders the Treaty inapplicable in all the Colonies. In the next place, the Statute does not use the term employed by the Judge. It is not said a requisition “shall be made.” In the Statute there is nothing imperative; the form is purely directory. It says:—“That, in case requisition be duly made, pursuant to the said Convention, in the name of His Majesty the King of the French by his Ambassador or other accredited Diplomatic Agents, &c., it shall be lawful,” &c.

Now, every one knows that, in the interpretation of Statutes, there is a wide difference between what is directory and what is imperative (2 Devarris, page 713); and it is often a question of great nicety to decide whether a particular clause is the one or the other. But technically, the question stands thus: On the part of the prisoner it was pretended that the requisition by an Ambassador was a condition precedent imperatively fixed by Statute, without which the Governor's warrant was a nullity.

On the part of the prosecution it was maintained that the words were purely directory; that the necessity of a requisition was established in favor of the power called upon to extradite, and that consequently it was for the Executive of that power to decide whether a sufficient requisition had been made, and that it was in no way competent for the Court to go behind the Governor's warrant, directing all Justices to aid in the apprehension of the prisoner.

It was further mentioned, that this interpretation was not only agreeable to the general objects of the Statute, and conformable to the principle of interpretation, already laid down, but that it also appeared, by other words in the Statute, which goes on to say that, this requisition being made, the Governor is authorized “by warrant under his hand and seal to signify that such requisition has been so made, and to require all Justices, &c.”

Besides, if this question were not to be settled by the signification of the Governor, how is it to be established in any case that the requisition was made by a "Diplomatic Agent." The warrant cannot contain the proof otherwise than by the declaration it contains; will it, then, be pretended that, being denied on the part of the prisoner, the Ambassador or other Diplomatic Agent will be obliged to file his credentials? Mr. Drummond's holding implies so much. But who ever heard of the credentials of a Diplomatic Agent being judged of by any one but the Executive with which he has been put in relation? Does not the very expression "accredited Diplomatic Agent" used in the Statute, exclude all doubt? It is necessary to ask, by whom is credit to be given? It therefore would appear, that Mr. Justice Drummond's first point is a blunder, and that "a poor Magistrate who never pretended to the law," may be nearer right than he.

The Judge goes on to say:—

"Secondly. Because by the 3rd section of the said Statute it is provided that no Justice of the Peace, or any person, shall issue his warrant for any such supposed offender, until it shall have been proved to him upon oath or affidavit, that the person applying for such warrant is the bearer of a warrant of arrest, or other equivalent judicial document, issued by a Judge or other competent Magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge; or, unless it shall appear to him that the act charged against the supposed offender is clearly set forth in such warrant of arrest or other judicial document; whereas, the Justice of the Peace who issued his warrant against the petitioner issued the same without having any such proof; the only document produced before him, as well as before me, in lieu of such warrant of arrest or other equivalent judicial document, being a paper-writing, alleged to be a translation into English of a French document, made by some unknown and unauthorized person in the office of counsel for the prosecutor, and bearing no authority whatever."

The law and the Judge's commentary are so mixed up, that for a proper understanding of the question, it is necessary to reproduce the terms of the Statute, which are as follows:—

"Provided always, that no Justice of the Peace or other person shall issue his warrant for the apprehension of any such supposed offender until it shall have been proved to him, upon oath or by affidavit, that the party applying for such warrant is the bearer of a warrant of arrest, or other equivalent judicial document issued by a Judge or competent Magistrate in France, authenticated in such manner as would justify the arrest of the supposed offender in France upon the same charge; or unless it shall appear to him that the acts charged against the supposed offender, are clearly set forth in such warrant of arrest, or other equivalent judicial document."

Now, the Judge's interpretation, following Mr. Doutré, is that there must be an affidavit or deposition by the bearer of a warrant of arrest, declaring that he has this French warrant or other equivalent judicial document, but to say this is to ignore the alternative italicized above; the critical reading of the Statute being, that this Magistrate shall not proceed to apprehend, even on the reception of the Governor's first warrant, either until it is established by oath or deposition that the person applying is the bearer of a French warrant, or other equivalent document; or unless it shall appear to the Magistrate that such warrant exists. This, too, is consonant with common sense, which Mr. Justice Drummond's reading is not. Had the Magistrate not the alternative of acting without the actual presence of the French warrant, the prisoner would infallibly escape, even when he could not find an enthusiastic Attorney to purloin it; for all he would have to do would be to keep out of the place where this dangerous document was, and as but one person could be the "bearer" of it, so only one person could be effectually employed in the pursuit.

It is easy to understand why rogues and their counsel should maintain such a strained interpretation of a Statute, but it is inconceivable that a Judge should be found to adopt it. The translation of the *arrêt de renvoi* was never filed by the prosecution as a substitute for a warrant, because the prosecution never admitted that such warrant was required; but in the absence of the original, which had been made away with by the prisoner's counsel in *New York*, it was produced to justify the Magistrate in committing him. The *arrêt de renvoi* being an indictment, as we should say, it presumes a warrant of arrest, or

other judicial document, and therefore, under the express words of the Statute, justified the Police Magistrate in acting.

Mr. Drummond continues :

"3rd. Because, supposing the said document purporting to be a translation, an *acte d'accusation* or indictment, accompanied by a pretended warrant of arrest, and designated as *arrêt de renvoi*, to be authentic, it does not contain the designation of any crime comprised in the number of the various crimes for or by reason of the alleged commission of which any fugitive can be extradited under the Statute.

"4th. Because, by the first section of the said Act it is provided that no Justice of the Peace shall commit any person accused of any of the crimes mentioned in the said Act, (to wit, murder, attempt to commit murder, forgery, or fraudulent bankruptcy), unless upon such evidence as, according to the laws of that part of Her Majesty's Dominions in which the supposed offender shall be found, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be accused had been then committed. Whereas, the evidence produced against the petitioner upon the accusation of forgery brought against him before the committing Magistrate, would not have justified him in apprehending or committing the petitioner for the crime of forgery, had the acts charged against him been committed in that part of Her Majesty's Dominions where the petitioner was found, to wit, in Lower Canada.

"5th. Because the said warrant for the extradition of the petitioner, as well as the warrant for his apprehension, does not charge him with the commission of any one of the crimes for which a warrant of extradition can be issued under the Statute, inasmuch as in both of the said warrants the alleged offence is charged against the petitioner as "forgery," by having, in the capacity of cashier of the Branch of the Bank of France at Peitiers, made false entries in the books of the Bank, and thereby defrauded the said Bank of the sum of 700,000 francs ; whereas the said offence, as thus designated, does not constitute the crime of forgery according to the laws of England and Lower Canada, for, to use the words of Judge Blackburn when he pronounced judgment concurrently with Chief Justice Cockburn and Judge Shee in a case analogous to this (*Ex parte* Charlotte Windsor, Court of Queen's Bench, May, 1865), 'Forgery is the false making of an instrument purporting to be that which it is not ; it is not the making of an instrument purporting to be that which it is ; it is not the making of an instrument which purports to be what it really is, but which contains false statements. Telling a lie does not become a forgery because it is reduced to writing.'"

Those three paragraphs really contain the great question of this case. In enumerating the offences for which an accused person may be extradited, must we look for the constituents of the offence to the law of the country violated, or to that in which the extradition is demanded ? Much is to be said on both sides of this question ; and there can be no doubt that in dealing with the American Treaty, and particularly so long as slavery existed in that country, it was necessary for the great common law felonies, such as murder and manslaughter, to look to the common law of England as a guide. And of this the Americans could not, and cannot complain, for they take their common law from us ; and therefore, in using an English common law term, they must be supposed to use it with the common law signification. This was the view taken in the Anderson case, and rightly. We would not tolerate that the people of a Southern State of the Union should convert manslaughter into murder by the existence of a system condemned, long previous to the Treaty, by the public morality of the Empire. About the intention too of this law, giving effect to the American Treaty, there was no doubt. It had been fully discussed in Parliament, when the bill was passed, and distinctly admitted on all hands that, in a case such as Anderson's, the fugitive would not be delivered up.

With regard to the French Treaty the question is totally different. There is no common origin for the two laws ; and, consequently, when the term does not express the same offence in both countries, there is no reason for making the definition according to the law of the one rather than of the other. But, in addition to this, it is perfectly clear that in the English Statute the law of France was not ignored, but to make this apparent to the general reader, we must proceed to details. The crimes enumerated, for which extraditions may be sought, may be divided into three categories for the purpose of this examination :—

1. Murder, for which the equivalent is distinctly set up in the Statute; it comprehends the terms, "assassination, parricide, infanticide, and poisoning."

2. Fraudulent bankruptcy, which has no equivalent in the criminal law of England at all.

3. Forgery, which has not at all the same signification in France and in England.

Now, if it be true that, with the exception of murder (the meaning of which is thus absolutely defined), the law of England was alone contemplated, the mention of fraudulent bankruptcy was a mere farce. It must, however, be said, in support of Mr. Justice Drummond's opinion, that even this view has been held; and a Solicitor-General in Lower Canada formerly gave it as his opinion that we should not extradite in cases of fraudulent bankruptcy, their being no such crime known to our laws; and we believe that this opinion was acted upon in several instances. On the other hand, it must be said that, the latest case in England, under the Treaty, is for the extradition of a fraudulent bankrupt. (*Ex parte Widemann*, in the Weekly Notes of the 30th June, of this year). It is thus plain, that in England, it is not settled that the offence must be one under the laws of England.

The same argument will apply to forgery; if not to the same degree, at all events, to a very great extent. Forgery in France and forgery in England are perfectly different, and this is very natural. A mere misdemeanor at common law, forgery, has been so altered that now almost every forgery is a felony, and many things which were not crimes are now forgeries. The same thing has taken place in France, so that to refuse to give up a man accused of a particular kind of forgery, because it was not common to both laws, would be almost to annul the Treaty in so far as regards that offence. But it is said that the Statute is imperative; they rely on this passage: "Upon such evidence as, according to the laws of that part of Her Majesty's Dominions, would justify the apprehension and committal for trial of the person so accused if the crime of which he or she shall be so accused had been committed, it shall be lawful for such Justice of the Peace, or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered, pursuant to such requisition as aforesaid."

Now this clause does not bear out the pretension, and if it did, it would be applicable to fraudulent bankruptcy as well as to forgery, and Mr. Dunbar Ross' opinion, when Solicitor General, would be correct.

But this, we see by the *Widemann* case, is not the view now taken in England.

To make Mr. Justice Drummond's dictum agree with the *Widemann* case, we should require to make a distinction not to be found in the law, which it should be unnecessary to remind "a Judge who has read the law," it is against all principle. "*Ubi lex non distinguit, nec nos debemus distinguere.*" But the words cited bear out Mr. Drummond's reading. We maintain they do not. Their only meaning is this: That there must be sufficient evidence to justify the Magistrate in committing, had the offence been an offence here and been committed here. In other words, it is a caution to the Magistrate to deal with the case as he would with any other preliminary examination for an alleged crime here. How it could have got abroad that he has any other duty than that one, almost purely ministerial, which he performs daily in dealing with those accused of crime here, we cannot imagine, unless it be explained by the jealousy that exists on the subject of extradition in England, as Lord Clarendon said in the House of Lords, when the bill was recently introduced to give greater effect to the French Treaty.

Another of the points made was that we had not the *arrêt de renvoi*.

I have already shown that it was not necessary for us to have it; but even if it had been necessary to produce it before the committing Magistrate in ordinary cases, it certainly would not have been so in this case. It is in evidence that the *arrêt de renvoi* had been made away with by Mr. Spilthorn, the prisoner's Counsel at New York (he does not venture to deny the taking), and that being proved, it was competent for us to give the next best evidence at our disposal which undoubtedly was the translated copy of the *arrêt de renvoi* prepared for the United States Commissioner, and initialed by him as one of the documents of his record.

But the real question now is, not whether the law as laid down by the Police Magistrate judicially, or that expressed by the Judge extra-judicially, is correct. The only person legally seized of the question, and who could give a judgment, decided for the ex-



tradition, and it therefore only remains to enquire whether that decision was carried out in a lawful manner or not. I am quite ready to admit, with the most violent of the papers here, that the act was one which if not legal was kidnapping, but I think it has been made sufficiently clear that the act of the Sheriff in giving him up was not only justifiable, but the only course he could lawfully pursue.

The absurdity of the pretension that notice of an application for a writ of *habeas corpus* served upon me, was to have the same effect as a writ served upon the gaoler, is too transparent to deserve comment. But it has been said there was indecent haste, and that the Governor General had promised time to apply for a writ of *habeas corpus*, as Mr. Doutre somewhat untechnically calls it, time to bring the case before higher tribunals. As for matter of haste, it is expressly enjoined in the statute giving effect to the Treaty (6 and 7 Vic., Cap. 75, sec. 4.) that the prisoner is to be removed out of Her Majesty's dominions in the readiest way. Now the readiest way and the only way of sending Lamirande out of Canada was by the river, and as the steamer was to sail on the morning of Saturday, the 25th, it was obviously incumbent on those representing the French authorities to lose no time in procuring the Governor's warrant, so as to take advantage of that mode of conveyance. The escape of Lamirande from custody in the United States, the day before the Commissioner was to pronounce judgment upon his case, and the presence here of his Counsel, Mr. Spilthorn, whose extraordinary proceedings relative to the *arrêt de renvoi* at New York have already been remarked, were additional reasons for inducing the agents of the French Government not to allow time for further machinations. As to the alleged promise of the Governor General, I have, of course, nothing to say but this, that even if made in the terms Mr. Doutre alleges, it was fully redeemed, for ample time was given to get out the writ, and if its issue was delayed till Tuesday, the fault must be between Mr. Doutre and the judge, the latter of whom does not hesitate to state that if Mr. Doutre had insisted, he would have issued the writ on the 24th, Friday.

To this Mr. Doutre may fairly reply, that if he had a right to the writ before the argument it was unnecessary for him to insist, his application should have been enough.

I do not care to take up your time in offering any apology for the part I have taken in this affair, for I feel that my acts speak for themselves; but I may be permitted to say a word on one piece of criticism by the Judge. He said it was my "duty to inform the Governor that a writ of *habeas corpus* was demanded." But why more in this case than any other, or am I in all cases of Extradition to keep the Governor advised by telegraph of each step of the procedure? Besides, if Mr. Doutre's story be true, the case in question is the very last in which an exceptional proceeding on my part was required, for it would appear, that so far back as the 3rd of August, Messrs. Doutre and Doutre had appealed to the Governor General to protect their client, whom they then called "Felix Gastier," and later, on the 15th, we find M. M. Doutre and Daoust again informing the Governor General, that it is their intention "to appeal to higher tribunals" in favor of their client, whose name then turned out to be Ernest Sureau Lamirande, the well known fugitive from Poitiers. Instead of attempting to fix on the Governor General the imputation of not having kept his word, Mr. Doutre would do well to explain how it came to pass that Doutre and Doutre should petition on the 3rd of August for Felix Gastier, and that Doutre and Daoust should petition for the same man, under the name of Ernest Sureau Lamirande on the 15th.

I have, &c.,

(Signed,)

T. K. RAMSAY,

Advocate prosecuting for the Crown, District of Montreal.

To the Hon. George Et. Cartier, Attorney General,  
Lower Canada, Ottawa.

(A.)

To the Editor of the Montreal Gazette.

SIR,—The *Herald* of this morning contains two columns of the report of a pretended judicial proceeding in the Lamirande case, accompanied by a characteristic attack on the Attorney General. It is very plain that the declamation of Mr. Justice Drummond and Mr. Doutre, *à propos of nothing* (for there was no case, and neither of them ventured to

move for or take any rule or other proceeding,) was simply intended to give Mr. Cartier's enemies a pretext for abusing him; so impossible is it, without rectitude of purpose and complete sobriety to overcome the recollections of political defeat. But my object is not to review or attempt to answer the contradictions and absurdities of these tirades. I feel perfectly satisfied, that nothing I can say or write, will ever prevent Mr. Justice Drummond from at all times preferring effect to truth, and therefore my explaining to him that to call the giving up of a prisoner on a warrant of the Governor, kidnapping, is simply a naked falsehood, would be a pure waste of time. I should therefore, briefly state, how and why Lamirande was given up, and from that it will at once be obvious, that the outcry of Mr. Drummond and Mr. Doutre is simply beside the question.

We have a Treaty with France, enforced by an Imperial Statute, by which we agree to give up persons accused of certain offences therein enumerated. The procedure is this: The French Government claims the extradition of the accused, and the Governor (in the Colonies) issues his warrant, charging all Justices and officers of Justice to aid in the capture of the fugitive. On his apprehension he is brought before a Magistrate, who deals with the charge, or who ought to deal with it, precisely as if the offence had been committed here, this being done, the prisoner is either fully committed, or he is discharged. If committed, the papers are forwarded to the Government, and the Governor issues his warrant for the extradition of the prisoner, who is at once delivered up, provided there be no other cause (*i. e.* criminal cause) for his detention. It is an error to suppose that there is any right of appeal from the decision of the Governor; but if application is made in proper time a writ of *habeas corpus* may be procured, which would have the effect of bringing the prisoner before the Court or Judge to examine into the cause of his detention. In Lamirande's case no such writ was either granted or issued, and therefore it is positively untrue that the prisoner was in the hands of the Court or Judge, as Mr. Drummond said. Without this writ there was no power known to the law to stop the execution of the Governor's warrant, and this I at once explained to Mr. Justice Drummond, in Chambers, on Saturday morning, when he first spoke to me on the subject. I then told him that had the Sheriff consulted me, which he did not, I should have advised him to obey the warrant without a moment's loss of time. So unanswerable was this, that Mr. Drummond, shifting his ground, said he had put in a commitment before the removal of the prisoner; but I afterwards found that what he was pleased to call a commitment was no commitment at all, but an order not to deliver Lamirande up on any warrant whatever. What renders this proceeding doubly ludicrous is, that Mr. Justice Drummond was the person most terribly severe upon Mr. Justice Mondelet, for his order in the Blossom case; yet when Mr. Mondelet gave that order he was sitting at the Court of Queen's Bench, whereas, when Mr. Drummond gave his he was prowling about the town at night without any official character whatever, but that of a Justice of the Peace. On Saturday afternoon Mr. Justice Drummond again shifted his ground, and he was pleased to tell me that it was my duty to interfere in some way or another, and prevent the Governor's warrant taking effect. For Mr. Justice Drummond's information, let me say that when I seek a guide as to duty I shall endeavour to select some one more immaculate than him; but, in so far as regards the present case, I may add that I was very unlikely to commit an illegality to prevent the extradition, inasmuch as I highly approved of it.

And now, one word as to the prisoner. Lamirande was cashier of the Bank of France, at Poitiers, and he there robbed his employers of 700,000 francs (28,000*l.* sterling), falsified books and entries (forged as the French Court calls it), and fled to the United States. Being arrested there and about to be extradited, he managed to drug his guard and escaped to Canada, while his lawyer stole the *arrêt de renvoi*, or French indictment, which formed part of the record before the Commissioner. And this is the person for whom Mr. Justice Drummond felt so lively a personal interest as to induce him to abandon the retirement of his home and endure the fatigues of sitting in Chambers, for, I believe, almost the first time since the beginning of vacation.

While talking of conspiracy it would be, however, interesting to learn from Mr. Drummond, at whose invitation he undertook to adjudicate in Lamirande's case? The effort was not unpremeditated, for the interesting fact was duly heralded on Friday morning.

Your obedient servant,

Montreal, August 27th, 1866.

(Signed,)

T. K. RAMSAY.

(B.)

*To the Editor of the "Montreal Gazette."*

SIR,—In this morning's issue of the "Herald," I find the following sentence:—

"That he (the Judge) did not do so (issue the writ of *habeas corpus* at once), therefore, was plainly due to a representation by the advocates for the prosecution, one of them representing the Attorney General, which if not false in word was false in intention, and had all the effect of falsehood upon the Court, whom these gentlemen were bound to assist instead of deceive."

It is of course of very little importance to me what gloss it may be convenient for the editors of the "Herald" to give to a very simple transaction; but it is, perhaps, as well the public should know that Mr. Kirby, one of the editors of the "Herald," was present in Chambers on Saturday afternoon, when Mr. Justice Drummond made the utterly unfounded statement that anything was said by me to give Mr. Doutre to understand that the prisoner would not be given up on the arrival of the Governor's Warrant. I then immediately rose and contradicted Mr. Justice Drummond's statement in the most pointed manner, and, moreover, I repeated the conversation which took place, which was to this effect, and as nearly as I recollect in these words:—I said, "it was idle to talk of kidnapping (the expression used by Mr. Doutre), for the prisoner could only be removed by one process, that is, on the warrant of the Governor General." I thus pointed out specially to the Judge and Mr. Doutre, the single peril to which the prisoner was exposed, and Mr. Drummond did not venture in my presence to contradict my statement of the facts. It is, therefore, gross bad faith on his part, and on that of the writer in the "Herald," to renew an accusation which the Judge could not stand to the head of when first made and denied. The fact is, Mr. Justice Drummond and Mr. Doutre are anxious to throw on my shoulders the responsibility of their own blunder. They had the means, or at least the Judge had, to stop the extradition without the interference of any one, and now he is furious because the gaoler, or I, or some one else did not rush in to accept no end of responsibility to cover over his *laches*. In one place Mr. Justice Drummond suggests that "the gaoler might have waited till morning;" in another, "that it was my duty to inform the Governor that a writ of *habeas corpus* was demanded!" and after all this bombast, even after the delivery of the judgment, which ordered nothing, this is all that can be said.—Somebody might have done for Mr. Drummond what he ought to have done for himself.

It is not my intention at present to dwell on the extra-judicial opinions expressed by Mr. Justice Drummond yesterday. With the public they will probably be differently estimated; but he is reported to have made one statement which I cannot pass over in silence. He says, "in fact, some persons engaged in the prosecution of this man for forgery have themselves been instrumental in a falsification of one of the most solemn documents that can be issued by the Governor General." In answer to this I must state, without the least reserve, that this is the most audacious calumny I ever heard of in my life, for it impugns the authenticity of the Governor's signature, and of the Great Seal of the Province. No man knows better than Mr. Drummond that when the Governor is absent from the Seat of Government, official documents are recorded, sealed and dated at the Seat of Government, and forwarded to him for his signature. This was the practice when Mr. Drummond was Attorney General, and one which was followed during the absence of the Governor last winter when the Government was administered by Sir John Michel, who lived at Montreal.

In leaving this discussion to the arbitrament of the public, I shall permit myself to prophecy that no further proceedings of any kind will be taken in this matter, and for this very good reason that there is no room for any. Had there been anything wrong that could be taken hold of, will any one believe that Mr. Justice Drummond would have vacillated so many days between declarations of its not being for him to take the initiative, and threats of terrible measures for the 24th.

Your obedient servant.

(Signed,)

T. K. RAMSAY.

Montreal, August 29th, 1866.

(Inclosure 3 in No. 2.)

*Mr. Brehaut to the Honorable the Provincial Secretary.*

POLICE OFFICE, MONTREAL,

August 22, 1866.

SIR,—I have the honor to transmit herewith, the depositions and other documents in the case of Ernest Sureau Lamirande, for extradition.

I have, &c.,  
(Signed,) W. H. BREHAUT,  
Police Magistrate.

The Honorable the Provincial Secretary,  
Ottawa.

*Special Sessions of the Peace.*

(Translation.)

Before William H. Bréhaut, Esquire, Police Magistrate ;

In the case of Ernest S. Lamirande, for extradition.

The prosecution having declared that it has no other evidence than that contained in the record, the prisoner reserving the right of adducing evidence if the present application is not granted, demands his release, as there is nothing to justify his further detention.

(Signed,) JOSEPH DOUTRE,  
Advocate for the prisoner.

Montreal, 15th August, 1866.

(No. 3.)—*Copy of a Despatch from Viscount Monck to the Right Honorable the Earl of Carnarvon.*

QUEBEC, October, 25, 1866.

(No. 173.—Received, November 7, 1866.)

MY LORD,—Referring to my despatches, No. 155, of the 6th October, and No. 164, of the 18th October, I have the honor to transmit for your Lordship's information, three extracts from the *Montreal Herald* of September 25th, October 18th, and October 22nd, containing reports of what took place on those days in the Court of Queen's Bench at Montreal, respecting the necessity for notice in application for the writ of *habeas corpus*.

I have, &c.,  
(Signed,) MONCK.

The Right Honorable the Earl of Carnarvon,  
&c., &c., &c.

(Inclosure in No. 3.)

*(Extracts from the Montreal Herald.)*

(The Lamirande Case—Court of Queen's Bench.)

This morning (September 25), before the Judge (Mr. Justice Drummond) took his seat, the Court was crowded with professional men and others, attracted by the expectation of a lively discussion respecting the Lamirande case.

Mr. Doutre, Q. C., said there was a reference in the charge to the Grand Jury in the Lamirande case. All the difficulty in this case had arisen from the practice of requiring twenty-four hours' notice in an application for writ of *habeas corpus*. In order to show the working of that rule and the necessity for its abrogation, he would communicate to the Court documents which would make it manifest that as long as that rule existed there was no human means of protecting the liberty of a person claimed under Extradition Treaties. While the proceedings were going on before the Police Magistrate, it was easily seen that, law or no law, Lamirande would be committed for extradition. In these circumstances and in view of the present rule, it was felt that there would be a surprise attempted, and, to guard against this, a petition was presented to His Excellency pointing out the facts of the case, and an acknowledgment was received stating that the petition had been referred

to the Attorney-General East's Department. To confine himself to written documents and not referring to what took place at Ottawa, he would read the following report :—

“ On the 29th August, 1866, the undersigned, Joseph Doutre, Q. C., and C. L. Spilthorn, Attorney and Counsellor-at-Law, had the honor of meeting His Excellency the Governor General of Canada, &c., at Quebec, in relation to the extradition of Ernest Sureau Lamirande, claimed by France as a fugitive criminal.

“ In that interview, His Excellency acknowledged that Mr. Spilthorn, one of the undersigned, having presented a petition from the said Lamirande to His Excellency about the 17th of August, 1866, in Ottawa, praying His Excellency that in case he (Lamirande) should be committed for extradition by the Police Magistrate then investigating the matter, he (Lamirande) should be allowed the necessary time to submit his case to higher tribunals for examination under a writ of *habeas corpus*. His Excellency had then and there told Mr. Spilthorn that ample time would be allowed to Lamirande for the purpose of submitting his case, as mentioned in the said petition.”

(Signed,)

“ JOSEPH DOUTRE.

“ C. L. SPILTHORN.

“ Montreal, September 11, 1866.”

To this the following acknowledgment was received :—

QUEBEC, 12th September, 1866.

“ SIR,—I have the honor to inform you that I have laid the paper which you inclosed to me in your letter of the 11th instant before the Governor General, and I am to acquaint you that it is therein correctly stated that His Excellency told Mr. Spilthorn that ample time would be allowed to Lamirande to obtain a writ of *habeas corpus* before the execution of the warrant for his extradition.”

“ (Signed,)

DENIS GODLEY,

“ Governor's Secretary.”

His Honor said he had seen this official acknowledgment before bringing it as a fact before the Grand Jury.

Mr. Doutre said he presumed the reference in the charge was founded on that document. It was, however, matter of notoriety that notwithstanding all these precautions Lamirande was carried off. The facts connected with this case would have to come before this or some other tribunal. He had asked His Excellency's permission to lay the whole of the documents before the public, so that it might be seen what influence had been brought to bear to induce His Excellency to sign the warrant on the morning after the decision had been come to by the Police Magistrate. His Excellency, however, had himself expressed a desire that they should not be published, so that he felt relieved from the necessity of explaining how the warrant of extradition had been signed so hurriedly, notwithstanding the solemn promise of the Governor General. In the case of persons remaining in gaol no prejudice could arise from the twenty-four hour's rule but in this case it was very different. He had prepared a petition to abrogate this rule, which was in substance that the case of Lamirande, forming part of the record of this Court, had shown that the notice of twenty-four hours for a writ of *habeas corpus* had been subversive of the effects of that writ in matters of extradition, and prayed that the rule should be abrogated for the future in cases of this kind.

Mr. Ramsay said that notice ought to be given before anything be done so that the Attorney General might take cognizance of it. It was a petition proposing a change of the whole practice of the Court, which had existed for years. It proposed to shorten the time which existed even in England, and the time here is not twenty-four hours, but one day. It would be better that the practice of giving no notice be adopted, and let the writ issue at once on application.

His Honor said that this was an error, and that a very serious mistake was committed on this point. The writ of *habeas corpus* was a writ of right, but did not issue as a matter of course. Most unjustifiable attacks had been made upon a Judge of this Court because he had not issued a writ of *habeas corpus*. The Judges took the law from the books, and not from scribblers in the newspapers. The opinion of Chief Justice Wilmot was worth more than that of men who had pronounced an opinion without having seriously studied the question. Of course the change would not be made without due consideration. There was much to be said on both sides, but care ought to be taken that no opportunity should

be afforded of entrapping and carrying off men under a plea of a legal difficulty. The petition would be considered, but he did not contemplate that there would be any change in the rule, except after due consideration by all the Judges of the Court.

*From the "Montreal Herald," of October 18, 1866.*

Presiding :—Mr. Justice Drummond. Practice in *Habeas Corpus*.

His Honor said that, seeing Mr. Doutre in Court, he wished to inform him that they all appeared to have been under a mistake regarding this matter, the petition stating that there was a rule of practice which he wished altered. There was, he found, no rule of practice in issuing these writs. After consultation with his colleagues, he would now say, that while there was no rule, yet that the Judges would follow the course hitherto pursued unless where a case was shown requiring haste, in which case the writ would at once issue, due notice being given to the Attorney General as usual before any decision would be given.

Mr. Doutre said he had stated there was a practice which had the force of a rule. He would wish to be heard before any decision on the petition was given.

Mr. Ramsay said, we do not care about notice before the issue of the writ. He had always advocated the issuing of the writ immediate. There was a financial reason for the Crown desiring this.

*Court of Queen's Bench, September Term.*

Present ;—Their Honours Justices Drummond, Badgley, and Mondelet.

October 20, 1866.

Practice in *Habeas Corpus*.

Mr. Doutre, Q. C., applied to have a decision rendered on his petition to change the rule of proceeding in application for a writ of *habeas corpus*.

Their Honours severally stated that no rule existed on the subject, further than that the writ might issue at once or notice be previously given, in the discretion of the Judge before whom affidavits were laid. The practice of giving notice to the Crown had always been in existence, but whether the notice should be given before or after the issuing of the writ was, in all cases, matter for consideration. Each case must be judged by its merits. Mr. Doutre would therefore take nothing by his motion.

No. 4.—*Copy of a Despatch from Viscount Monck to the Right Honorable the Earl of Carnarvon.*

QUEBEC, October 25, 1866.

(No. 174.—Received, November 7, 1866.)

MY LORD,—I have the honor to transmit to Your Lordship a copy of a letter which I have received from Mr. Doutre, who was counsel for Lamirande in the legal proceedings that have lately taken place, together with a copy of the reply which I caused to be returned to it. All the documents in Lamirande's case are easily accessible to Mr. Doutre, except the opinions and reports of the Law officers of the Crown; and in declining to communicate to him those opinions and reports, I believe that I have followed the invariable practice under similar circumstances, both in England and Canada.

I have, &c.,

(Signed,)

MONCK.

To the Right Hon. the Earl of Carnarvon,  
&c., &c., &c.

(Inclosure 1 in No. 4.)

*Mr. Doutre to Viscount Monck.*

MONTREAL, October 24, 1866.

MY LORD,—Since my letter of the 22nd instant, I have received through my agents in London an official notice of the request made to Your Excellency by the Secretary of State for the Colonies, concerning the Lamirande extradition case. The absence of my client imposes upon me the duty of adopting measures of protection both in England and

France; and I feel that I am quite inadequate to the discharge of that duty if I do not procure copies of the official documents which are sent or about to be sent to the Secretary of State for the Colonies. It would be obvious to Your Excellency that I have no idea of asking copies of any remarks, reports or communications from Your Excellency to the Secretary of State; but I humbly submit that it would be an act of justice to my client to let me have copies of the other documents sent to England, in compliance with the request of the Secretary of State for the Colonies.

I have, &c.,

(Signed,)

J. DOUTRE.

To His Excellency

the Governor General of Canada, Quebec.

(Inclosure 2 in No. 4.)

*Mr. Godley to Mr. Doutre.*

QUEBEC, October 25, 1866.

SIR,—I am directed by the Governor General to acknowledge the receipt of your letter of yesterday's date, and in reply I am to inform you that His Excellency is quite prepared to forward to the Secretary of State for the Colonies any statement which you may desire to place before him.

The documents in the case of Lamirande, which are records of the court, can be obtained by you without any intervention, but the Governor General must decline to give copies of any opinion given to His Excellency, or reports made by the Law Officers of the Crown.

I have, &c.,

(Signed,)

DENIS GODLEY.

J. Doutre, Esq., Q. C., Montreal.

(No. 5.)

*Copy of a Despatch from Viscount Monck to the Right Honorable the Earl of Carnarvon.*  
(No. 175—Received, November 7, 1866.)

QUEBEC, October 25, 1866.

MY LORD,—I have the honor to transmit herewith, at the request of Mr. Doutre, a letter which he has addressed to Your Lordship, mentioning the documents which he believes are necessary to be laid before you, in order to enable you to form a correct opinion on the whole of Lamirande's case. All the papers marked in Mr. Doutre's letter with an asterisk, have already been sent to Your Lordship in triplicate, and I now enclose, also in triplicate, copies of the other documents to which Mr. Doutre refers. The affidavits alluded to in the French Consul General's application for Lamirande's extradition, which application is termed by Mr. Doutre a Requisition from the French Government, and marked 1 in his letter, will be sent to Your Lordship by the next mail.

I have, &c.,

(Signed,)

MONCK.

The Right Honorable the Earl of Carnarvon,  
&c., &c., &c.

(Inclosure in No. 5.)

*Mr. Doutre to the Earl of Carnarvon.*

MONTREAL, October 22nd, 1866.

MY LORD,—Having heard that our Colonial authorities have been requested to transmit to the Colonial Office in England copies of papers connected with the Lamirande extradition case, I beg leave to inform Your Lordship that the record of the case to be complete, should include the following documents:—

1. Requisition from the French Government to His Excellency the Governor General, for the extradition of Lamirande.
2. Warrant of His Excellency, dated 26th July, 1866.

3. Warrant of Police Magistrate, William H. Bréhaut, Esq., in obedience to the Governor General's warrant.
4. Petition of Felix Gastier, arrested under the name of Ernest Sureau Lamirande, to His Excellency the Governor General, dated 3rd August, 1866.
5. Letter of Denis Godley, Esq., under date 4th August, 1866, acknowledging the receipt of Petition No. 4 above.
6. \*Complaint of E. J. Melin, before Police Magistrate.
7. \*Deposition and cross-examination of the same Melin before the same.
8. \*Deposition and cross-examination of Abel F. Gautier before the same.
9. \*Deposition and cross-examination of Frédéric Coudert before the same.
10. \*Deposition and cross-examination of Louis Léonce Coudert before the same.
11. \*Deposition of Dubois de Jancigny, made in France.
12. \*Translation of a pretended *arrêt de renvoi* issued out.
13. \**Procès verbal de saisie de pièce à conviction*, made in France.
14. \*Petition of E. S. Lamirande, to His Excellency the Governor General, dated 15th August, 1866.
15. \*Letter of H. Cotton, Esq., from the Governor General's Secretary's Office, acknowledging the receipt of Petition No. 14 above.
16. Deposition and cross-examination of C. L. Spilthorn, before the said Police Magistrate.
17. Deposition and cross-examination of E. B. Morel, before the same.
18. Voluntary examination of the prisoner.
19. *Demande d'élargissement* "of release" by prisoner, 15th August, 1866.
20. Commitment of E. S. Lamirande for extradition, by Police Magistrate, dated 22nd August, 1866.
21. Petition of E. S. Lamirande for *habeas corpus*, dated 23rd August, 1866, with notice to T. K. Ramsay, Esq., of presentation, on the 24th August, 1866.
22. Writ of *habeas corpus*, and return of the gaoler, dated 25th August, 1866.
23. Warrant of Extradition of His Excellency the Governor General, dated 23rd August, 1866.
24. Affidavit of J. Doutré, before Judge Drummond, 24th August, 1866.
25. Order left at the Montreal Gaol by the Honorable L. T. Drummond, one of the Judges of the Court of Queen's Bench, the 24th August, 1866.
26. Warrant of surrender by Deputy Sheriff Sanborn, to the gaoler, founded on His Excellency's warrant of 23rd August, 1866, dated 24th August, 1866.
27. Judgment of the Honorable L. T. Drummond, Judge of the Court of Queen's Bench, on the above Petition for *habeas corpus*.
28. Telegram from J. Doutré to His Excellency, from Montreal to Quebec, dated 30th August, 1866.
29. Second telegram from the same to the same, 30th August, 1866.
30. Third telegram from the same to the same, 30th August, 1866.
31. Telegram from Denis Godley, Esq., to J. Doutré, from Quebec to Montreal, 30th August, 1866.
32. Joint Report of Messrs. J. Doutré and C. L. Spilthorn, of their interviews with His Excellency on the 29th August, 1866, said Report dated 30th August, 1866, and sent in duplicate to His Excellency on the 8th September, 1866, with a letter of the last date from J. Doutré to D. Godley, Esq.
33. Letter from D. Godley, Esq., acknowledging receipt of said report and letter, No. 32 above.
34. Second report of Messrs. J. Doutré and C. L. Spilthorn, of their interviews with His Excellency, dated 11th September, 1866, sent in duplicate to His Excellency, with letter from J. Doutré to D. Godley, dated 11th September, 1866.
35. Letter from D. Godley to J. Doutré, acknowledging receipt of report and letter, No. 34 above.
36. Letter from J. Doutré to D. Godley, of the 13th September, 1866.
37. Charge of L. T. Drummond, Judge of the Court of Queen's Bench, at the opening of the September term of the Court of Queen's Bench (Crown side), to the Grand Jury.



38. Presentment of the Grand Jury to the same Court, on the 10th October, 1866, with papers accompanying said presentment.

39. Motion of E. S. Lamirande by J. Doutre his Counsel, to obtain copies of papers accompanying said presentment, with affidavit of J. Doutre, in support of that motion.

I do not mention in the above list the petition of G. S. Cherrier, Esq., and others, to Her Majesty, and the papers accompanying it, as I suppose they have reached Your Lordship in due time.

I have, &c.,

(Signed,)

JOSEPH DOUTRE.

Lord Carnarvon,

Secretary of State for the Colonies, London.

N.B.—Such documents referred to in the above Schedule, as are wanting, will be found amongst the papers supplied by Mr. Brehaut, the Police Magistrate, as above.

*No. 3.—Warrant of Police Magistrate*

PROVINCE OF CANADA.

*District of Montreal.*

*City of Montreal.*

POLICE OFFICE.

To all or any of the Constables or other Peace Officers in District of Montreal.

WHEREAS, Ernest Sureau Lamirande, late of Poitiers, in the French Empire, now present in the City of Montreal, hath this day been charged upon oath before the undersigned, William H. Brehaut, Esq., Police Magistrate in and for the District of Montreal, with the crime of forgery, by having, in his capacity of Cashier of the Branch of the Bank of France, at Poitiers, made false entries in the books of the said bank, and thereby defrauded the said bank of the sum of 700,000 francs; and whereas a requisition has been made to His Excellency the Governor General of this Province, by the Consul General of France in the Provinces of British North America, pursuant to the terms of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, signed at London, on the 13th day of February, in the year of Our Lord 1843, and the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, passed to give effect to the said Convention, to issue his warrant for the apprehension of the said Ernest Sureau Lamirande, accused of having committed the crime aforesaid after the ratification of the said Convention; and whereas, in compliance with the said requisition, His Excellency the Governor General has, by warrant under his hand and seal, bearing date at Ottawa, in the said Province, the 26th day of July, in the year of Our Lord, 1866, required each and every the Justices of the Peace, and other Magistrates and officers of Justice within their several Jurisdictions in the said Province of Canada, to aid in apprehending and committing him, the said Ernest Sureau Lamirande, to any one of the gaols within the said Province of Canada, for the purpose of being delivered up to Justice, according to the provisions of the said Convention and the Acts to give effect thereto.

These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said Ernest Sureau Lamirande, and to bring him before me, or some other of Her Majesty's Justices of the Peace in and for the said district, to answer unto the said charge, and to be dealt with according to law.

Given under my hand and seal at the said Police Office, in Montreal, in the said district, this 6th day of August, in the year of Our Lord, 1866.

(Signed,)

W. H. BREHAUT,

Police Magistrate.

I, the undersigned Nazaire Caron, Constable, duly appointed in and for the district of Montreal, do hereby return, under my oath of office, that on the 7th day of August, 1866, in obedience to the within warrant to me delivered, I did, at the City of Montreal, in the District of Montreal, apprehend the within named Ernest Sureau Lamirande, and brought him before William Henry Brehaut, Esq., Police Magistrate in and for the District of Montreal, from whence he was committed to gaol for further examination.

(Signed,)

N. CARON,

Constable.

Montreal, August 7, 1866.

*No. 5—Mr. Godley to Mr. Doutre.*

OTTAWA, August 4, 1866.

SIR,—I am directed by the Governor General to acknowledge the receipt of the petition, dated the 3rd of August, of Félix Gastier, arrested under the name of Lamirande, and now detained in the gaol of the District of Montreal.

I have &amp;c.,

(Signed,)

DENIS GODLEY,

Governor's Secretary.

Joseph Doutre, Esq.,  
&c., &c., &c., Montreal

(Nos. 6 to 13, inclusive, will be found printed as inclosures to Lord Monck's Despatch No. 164 of the 18th of October.)

*No. 15.—Mr. H. Cotton, to Messrs. Doutre and Daoust*

GOVERNOR GENERAL'S SECRETARY'S OFFICE

Ottawa, August 17 1866.

SIR,—I am directed by His Excellency the Governor General to acknowledge the receipt of the Petition of Ernest Sureau Lamirande, 15th August, and to inform you that it has been transferred to the Attorney General for Lower Canada.

(Signed,)

H. COTTON.

For the Governor's Secretary.

Messrs. Doutre and Daoust,  
Montreal.

(Nos. 16 to 19, inclusive will be found printed as inclosures to Lord Monck's Despatch No. 164, of the 18th October, 1866.)

(Translation.)

*No. 21.—Petition of E. S. Lamirande, for Habeas Corpus.*

PROVINCE OF CANADA, } To the Honorable the Justices of the Court of Queen's Bench  
District of Montreal. } sitting in the District of Montreal.

The petition of Ernest Sureau Lamirande, now a prisoner in the Common Gaol of the District of Montreal, respectfully sheweth:

That your petitioner is now a prisoner in the Common Gaol of this District, under and by virtue of the order of William H. Brehaut, Esquire, Police Magistrate, a copy of which order is hereto attached, and by which it appears that your petitioner is detained upon the application which has been made for his extradition, upon the pretext of your petitioner's having committed in France the crime of forgery.

That the detention of your petitioner is illegal and arbitrary for the following reasons among others:—

1. Because the treaty entered into on the 13th February, 1843, between the Governments of France and England, and put in force by the Imperial Act, 6 and 7 Victoria, chapter 75, ceased to exist on the 4th June last, in consequence of the signification to the English Government by the French Government, of its desire to put an end to the same, more than six months before the said day (4th June last) as provided in the said treaty.

2. Because it is proved that the extradition of the petitioner has not been demanded by any diplomatic agent of the French Government.

3. Because the magistrate who ordered the apprehension and committal of your petitioner did not receive any proof that those who were proceeding for the extradition of the petitioner are holders of warrant of arrest, or other equivalent judicial document, issued by a judge or competent authority in France.

4. Because, granting that those who are proceeding for the extradition of the prisoner petitioning are holders of such a warrant of arrest or equivalent document, such warrant or document is not authenticated in manner to justify the arrest of the petitioner if he were in France.

5. Because, granting that such warrant or order of arrest had been proved to be in the possession of those who are proceeding for the extradition of the prisoner, and that it was authenticated in manner to justify the arrest of the petitioner in France, the committal of the prisoner with a view to his extradition cannot be legally ordered, unless there be adduced before the Magistrate or Justice of the Peace ordering such committal, sufficient proof to justify the apprehension and committal or imprisonment of the petitioner, to undergo his trial, if the crime of which he is accused had been committed in Canada; and because no such proof has been adduced.

6. Because, in the absence of the evidence of witnesses having personal knowledge of the facts, the said law (6 and 7 Victoria, chap. 75) authorises the receiving in evidence of depositions or copies of depositions taken in France, if they are proved to be true copies by the person producing them, and because there was produced no witness having personal knowledge of the facts of which the petitioner is accused, nor any deposition certified by the judge who issued such warrant, if such warrant exists, which the petitioner denies, nor certified, nor proved to be a true copy by the person producing such deposition.

7. Because, granting that the extradition of your petitioner had been demanded by a diplomatic agent, and that all formalities of law had been complied with, which your petitioner denies, the facts charged against your petitioner would not constitute and cannot constitute the offence or crime of forgery, and because those facts were only designated as forgery in order to obtain, under fictitious pretences, the extradition of the petitioner, the law of France, of England, and of Canada in no way defining such facts as constituting forgery.

Wherefore your petitioner prays that it may please your Honors, or some one of your Honors, to order that under the authority of your Honors, or some one of your Honors, a writ of *habeas corpus* may be issued, instructing the gaoler of the common gaol of this district to produce before you the body of your petitioner, to the end that he may be released and set at liberty.

And in so doing you will do justice.

(Signed,

JOSEPH DOUTRE,

Advocate for the petitioner.

Montreal, 23rd August, 1866.

*To T. K. Ramsay, Esq., representing the Attorney General.*

SIR,—You are notified that the foregoing petition will be presented in Chambers to such Judges of the Court of Queen's Bench as may be then and there present, on the 24th day of August instant, at one o'clock in the afternoon, at the Court House at Montreal.

(Signed,)

JOSEPH DOUTRE,

Advocate for the petitioner.

Montreal, 23rd August, 1866.

Let Her Majesty's Most Gracious Writ of *habeas corpus* issue, returnable immediately at the Judge's Chambers before me.

(Signed,)

LEWIS T. DRUMMOND,

J. Q. B.

Judge's Chambers,  
Montreal, August 25, 1866.

I, the undersigned, one of the sworn Bailiffs of Her Majesty's Court of Queen's Bench for Lower Canada, appointed and acting in and for the District of Montreal, do hereby, under my oath of office, certify and return that I did, on the 23rd day of August, 1866, between the hours of 11 and 12 of the clock in the forenoon, serve the within original *requête and avis* on T. K. Ramsay, Esquire, représentant le Procureur Général, by speaking to and leaving true and certified copies thereof with Alfred de Beaumont, Esquire, Deputy Clerk of the Crown, at the Office of the Clerk of the Crown, in the Court House of the City of Montreal, where the said T. K. Ramsay, Esquire, keeps his office for the purpose of the object of the said *requête*.

Montreal, 23rd August, 1866.

(Signed,)

JOHN HOOLAHAN,

Bailiff, Queen's Bench.

No. 22.—*Writ of Habeas Corpus.*  
 PROVINCE OF CANADA, }  
*District of Montreal.* } Victoria, by the Grace of God, of the United Kingdom of  
 Great Britain and Ireland, Queen, Defender of the Faith.  
 (Seal of Court of Queen's Bench, }  
 Lower Canada.) } To the Keeper of our Common Gaol, for the District of  
 Montreal, or to his Deputy or Deputies, and to each of  
 them.

## GREETING :

By virtue of chapter 95, of the  
 Consolidated Statutes for Lower  
 Canada, and *per statutum tricesimo*  
*primo Caroli Secundi Regis.*

(Signed,)

LEWIS T. DRUMMOND,

J. Q. B.,

(Law Stamp.)

We command you that you have, before the Honorable  
 Lewis Thomas Drummond, one of the Justices of our Court  
 of Queen's Bench for Lower Canada, at his Chambers in  
 the Court House, in our City of Montreal, immediately  
 after the receipt of this writ, the body of Ernest Sureau  
 Lamirande, being committed and detained in our prison,  
 under your custody (as it is said), together with the day  
 and cause of the taking and detaining of the said Ernest  
 Sureau Lamirande, by whatever name the said Ernest Sureau Lamirande be called in the  
 same, to undergo and receive all and singular, such things as our said Justice shall then  
 and there consider of him in that behalf, and that you have then and there this writ.

In witness whereof we have caused the seal of our Court of Queen's Bench for Lower  
 Canada to be hereunto affixed at our City of Montreal, this 25th day of August, in the  
 thirtieth year of our Reign.

(Signed,

C. E. SCHILLER,

D. E., Clerk of the Crown.

The Return to the within writ appears by the Schedule hereunto annexed.  
 Montreal Gaol, this 25th day of August, 1866.

(Signed,)

LOUIS PAYETTE,

Gaoler.

PROVINCE OF CANADA, }  
*District of Montreal.* } Honorable Lewis T. Drummond, one of Her Majesty's Judges  
 of the Court of Queen's Bench.

In answer to the Writ of Her Majesty the Queen, of this 25th day of August, com-  
 manding me to bring before your honor the body of Ernest Sureau Lamirande ;

I beg to state that the above named prisoner was by me delivered over to Edme Justin  
 Melin, *Inspecteur Principal de Police* of Paris, last night, at twelve o'clock, by virtue of  
 an order signed by M. H. Sanborn, Deputy Sheriff, grounded on an instrument by His  
 Excellency the Governor General, which order is in the words following, viz :—

“ To Louis Payette, Gaoler of the Common Gaol of the District of Montreal

GREETING :—

By virtue of an instrument granted by His Excellency the Governor General, do  
 deliver Ernest Sureau Lamirande, now confined in the said Common Gaol, to such person  
 or persons as may be authorized in the name and on the behalf of the French Empire, to  
 receive the same, and addressed to the Sheriff of the said District of Montreal, under date  
 of the 23rd of August instant, You are hereby commanded and required to deliver the  
 said Ernest Sureau Lamirande to Edme Justin Melin, *Inspecteur Principal de Police* of  
 Paris, as being so authorized to receive the same, taking his receipt.

“ Provided always, that the said Ernest Sureau Lamirande be detained for no other  
 cause, matter or thing than the crime of forgery committed by him at Poitiers, in the said  
 French Empire, as specified in the said instrument.

“ Hereof fail not at your peril.

“ Given at Montreal, this 24th day of August, in the year of Our Lord, 1866.

(Signed,)

T. BOUTHILLIER,

Sheriff.

“ do

M. H. SANBORN,

Deputy Sheriff.”

(Signed,)

LOUIS PAYETTE,

Gaoler.

(Translation.)

No. 24.—*Affidavit of Mr. Doure.*

In the matter of Ernest Sureau Lamirande, committed for extradition.

PROVINCE OF CANADA, } Joseph Doure, Esquire, Advocate and Queen's Counsel, being  
*District of Montreal,* } sworn, deposeth and saith: That in the course of the present evening, about half-past eight o'clock, two persons came to the deponent and informed him that facts, which they considered as certain, and consisting of preparations for the departure of Justin Edme E. Melin, officer of the police of Paris, and of declarations on the part of the latter, had convinced them that the said Ernest Sureau Lamirande was to be taken this same evening, by the said J. E. Melin, by the Grand Trunk Railway to Quebec, and thence on board the steamer to sail to-morrow for Europe; that the release of the said prisoner has already been applied for to the Honorable Justices of the Court of Queen's Bench on various grounds, setting forth the illegality of the committal of the said prisoner, and that such application is pending before the Honorable L. T. Drummond, one of the said Honorable Justices; that if the said prisoner is removed at this time from the custody of the gaoler of the Montreal gaol, the deponent is convinced that it is being done by means of an illegal proceeding, and with the view of preventing justice being done the said prisoner. Wherefore the deponent requests the intervention of the judicial authorities to prevent the removal of the said prisoner out of the jurisdiction of the justices having cognizance of the affair; and hath signed, after reading.

(Signed,)

JOSEPH DOUTRE.

Sworn before me at Montreal, this 24th August, 1866.

(Signed,) LEWIS T. DRUMMOND, J. Q. B.

No. 25.—*Order of Judge Drummond.*

To the Gaoler of the City of Montreal:

I hereby require and order you to give no obedience to any warrant or order which may be given to you by any Justice of the Peace, or any other authority, to deliver up or release from custody the prisoner Ernest Sureau Lamirande, until I shall have given my decision upon the demand for a writ of *habeas corpus* now pending before me in relation to the above named prisoner.

Montreal, August 24th, 1866.

(Signed,)

LEWIS T. DRUMMOND,  
J. Q. B.No. 26.—*Warrant of Surrender by the Deputy Sheriff.*

To Louis Payette, Gaoler of the Common Gaol of the District of Montreal,

GREETING:—

By virtue of an instrument granted by His Excellency the Governor General to deliver Ernest Sureau Lamirande, now confined in the said common gaol, to such person or persons as may be authorized in the name and on the behalf of the French Empire to receive the same, and addressed to the Sheriff of the said District of Montreal, under date of the 23rd day of August, instant.

You are hereby commanded and required to deliver the said Ernest Sureau Lamirande to Edme Justin Melin, Inspecteur Principal de Police of Paris, as being so authorized to receive the same, taking his receipt, provided always that the said Ernest Sureau Lamirande be detained for no other cause, matter, or thing, than the crime of forgery committed by him at Poitiers, in the said French Empire, as specified in the said instrument; hereof fail not at your peril.

Given at Montreal, this 24th day of August, in the year of our Lord, 1866.

(Signed,)

T. BOUTHILLIER,  
Sheriff.

"

M. H. SANBORN,  
Deputy Sheriff.

No. 27.—*Judgment of Judge Drummond.*

PROVINCE OF CANADA, } In Chambers,—Friday, August 24, 1866; before the Honorable  
*District of Montreal.* } Mr. Justice Drummond.

In the matter of Ernest Sureau Lamirande, for a writ of *habeas corpus*,—  
 Mr. Doutre, on behalf of Ernest Sureau Lamirande presents a petition for Her Majesty's most gracious writ of *habeas corpus*, and is heard.

Mr. Ramsay on behalf of the Crown is heard.

This case is adjourned until the hour of eleven in the forenoon, to-morrow.

SATURDAY, August 25, 1866.

Before the Hon. Mr. Justice Drummond, in the matter of Ernest Sureau Lamirande. On motion of Mr. Doutre, writ of *habeas corpus* issued, returnable in Chambers immediately.

At 3 o'clock P. M., Mr. Payette, the Gaoler, makes his return, which is received and filed.

Mr. Schiller, Deputy Clerk of the Crown, reads the writ of *habeas corpus* and return, likewise an order given to the keeper of the Common Gaol by the Honorable Mr. Justice Drummond, before the warrant of the Sheriff founded upon the last warrant of extradition had been served upon him, and before any knowledge thereof had been given to the Judge.

This case stands until Monday at the hour of eleven in the forenoon.

MONDAY, August 27, 1866.

Before the Hon. Mr. Justice Drummond, in the matter of Ernest Sureau Lamirande. This case stands adjourned until the hour of eleven in the forenoon to-morrow.

TUESDAY, August 28, 1866.

Before the Hon. Mr. Justice Drummond, in the matter of Ernest Sureau Lamirande. The Honorable Mr. Justice Drummond pronounced the following Judgment:—

On the 26th July last, a document under the signature of His Excellency the Governor General, purporting to be a warrant for the extradition of the petitioner, issued under the authority vested in His Excellency by the provisions of the Statute passed by the Legislature of the United Kingdom of Great Britain and Ireland, in the sixth and seventh years of Her Majesty's reign, intituled, "An Act to give effect to a Convention between Her Majesty and the King of the French, for the apprehension of certain offenders," setting forth that the said petitioner stood accused of a crime of "forgery, by having, in his capacity of Cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the said bank, and thereby defrauded the said bank of 700,000 francs;" that a requisition had been made to His Excellency by the Consul General of France in the Provinces of British North America, to issue his warrant for the apprehension of the said petitioner, and requiring all Justices of the Peace and other Magistrates and Officers of Justice within their several jurisdictions, to aid in apprehending the petitioner, and committing him to Gaol.

Under this document the prisoner was arrested, and after examination before William H. Bréhaut, Esq., Police Magistrate and Justice of the Peace, was fully committed to the Common Gaol of the District on the 22nd day of the current month of August.

On the following day, between the hours of 11 and 12 o'clock in the forenoon, notice was given in due form by the prisoner's Counsel to the Counsel charged with the criminal prosecutions in the district, that he (the said Counsel for the prisoner) would present a petition to any one of the Judges of the Court of Queen's Bench who might be present in Chambers at 1 o'clock in the afternoon of the following day (the 24th), praying for a writ of *habeas corpus* and the discharge of the prisoner.

At the time appointed this petition was submitted to me.

Mr. J. Doutre appeared for the petitioner, Mr. T. K. Ramsay for the Crown, and Mr. Pominville for the private prosecutor.

A preliminary objection, raised on the ground of insufficient notice, was overruled.

Mr. Doutre then set forth his client's case in a manner so lucid, that I soon convinced

myself, after perusing the statute cited in warrant of extradition that the warrant itself, the pretended warrant of arrest alleged to have been issued in France, *arrêt de renvoi*, and all the proceedings taken with a view to obtain the extradition of the petitioner, were unauthorized by the above cited statute, illegal, null and void, and that the petitioner was therefore entitled to his discharge from imprisonment. But as Mr. Pominville, whom I supposed to be acting as Counsel for the Bank of France, wished to be heard, I adjourned the discussion of the case until the following morning. I would have issued the writ before adjourning had the Counsel for the prisoner insisted upon it. But that gentleman was, no doubt, lulled into a sense of false security by the indignation displayed by the Counsel for the Crown, when Mr. Doure signified to me his apprehension that a *coup de main* was in contemplation to carry off the petitioner before his case had been decided.

On the following morning (Saturday, the 25th of this month), I ordered the issuing of a writ of *habeas corpus* to bring the petitioner before me, with a view to his immediate discharge.

My decision to discharge him was founded upon the reasons following:—

1st. Because it is provided by the first section of the Act of the British Parliament, to give effect to a Convention between Her Majesty and the King of the French, for the apprehension of certain offenders (6 and 7 Vic., cap. 75), that every requisition to deliver up to justice any fugitive accused of any of the crimes enumerated in the said Act, shall be made by an Ambassador of the Government of France, or by an accredited diplomatic agent; whereas the requisition made to deliver up the petitioner to justice has been made by Abel Frederic Gautier, Consul General of France in the Provinces of British North America, who is neither an Ambassador of the Government of France, nor an accredited diplomatic agent of that Government, according to his own avowal upon oath.

2nd. Because, by the third section of the said statute, it is provided that no Justice of the Peace or any other person, shall issue his warrant, for any such supposed offender until it shall have been proved to him, upon oath or affidavit, that the person applying for such warrant is the bearer of a warrant of arrest or equivalent judicial document, issued by a Judge or competent Magistrate in France, authenticated in such manner as would justify the arrest of a supposed offender in France upon the same charge, or unless it shall appear to him that the act charged against the supposed offender is clearly set forth in such warrant of arrest or other judicial document; whereas, the Justice of the Peace who issued his warrant against the petitioner, issued the same without having any such proof before him, the only document produced before him, as well as before me, in lieu of such warrant of arrest or equivalent judicial document, being a paper-writing alleged to be a translation into English of a French document made by some unknown and unauthorized person in the office of Consul for the prosecutor at New York, and bearing no authenticity whatever.

3rd. Because, supposing the said document purporting to be a translation of an *acte d'accusation* or indictment, accompanied by a pretended warrant for arrest, and designated as an *arrêt de renvoi*, to be authentic, it does not contain the designation of any crime comprised in the number of the various crimes for or by reason of the alleged commission of which any fugitive can be extradited under the said statute.

4th. Because, by the first section of the said Act, it is provided that no Justice of the Peace shall commit any person accused of any of the crimes mentioned in the said Act, to wit, murder, attempt to commit murder, forgery, and fraudulent bankruptcy, unless upon such evidence, as according to the laws of that part of Her Majesty's dominions in which the supposed offender shall be found, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be accused had been there committed. Whereas, the evidence produced against the petitioner upon the accusation of forgery brought against him before the committing magistrate would not have justified him in apprehending or committing the petitioner for the crime of forgery, had the acts charged against him been committed in that part of Her Majesty's dominions where the petitioner was found, to wit, in Lower Canada.

5th. Because the said warrant for the extradition of the petitioner, as well as the warrant for his apprehension, does not charge him with the commission of any one of the crimes for which a warrant of extradition can be issued under the Statute, inasmuch as in both of the said warrants the alleged offence is charged against the petitioner as "forgery

by having, in the capacity of cashier of the Branch of the Bank of France at Poitiers, made false entries in the books of the bank, and thereby defrauded the said bank of the sum of 700,000 francs."

Whereas the said offence as thus designated does not constitute the crime of forgery according to the laws of England and Lower Canada, for, to use the words of Judge Blackburn when he pronounced judgment concurrently with Chief Justice Cockburn and Judge Shee in a case analogous to this (*ex parte* Charles Windsor, Court of Queen's Bench, May 1865.)—"Forgery is the false making of an instrument purporting to be that which is not, it is not the making of an instrument purporting to be that which it is; it is not the making of an instrument which purports to be what it really is, but which contains false statements. Telling a lie does not become a forgery because it is reduced to writing."

The gaoler's return to this writ of *habeas corpus* was, that he had delivered over the prisoner to Edme Justin Melin, Inspecteur Principal de Police de Paris, on the night of the 24th instant, at 12 o'clock, by virtue of an order signed by M. H. Sanborn, Deputy Sheriff, grounded upon an instrument signed by His Excellency the Governor General.

It appears that the petitioner thus delivered up to this French Policeman is now on his way to France, although his extradition was illegally demanded, although he was accused of no crime under which he could have been legally extradited, and although as I am credibly informed, His Excellency the Governor General had promised, as he was bound in honor and justice, to grant the petitioner an opportunity of having his case decided by the first tribunal of the land before ordering his extradition.

It is evident that His Excellency has been taken by surprise, for the document signed by him is a false record, purporting to having been signed on the 23rd instant at Ottawa, while His Excellency was at Quebec, and falsely certified to have been recorded at Ottawa before it had been signed by the Governor General.

In so far as the petitioner is concerned I have no further order to make, for he whom I was called upon to bring before me is now probably on the high seas, swept away by one of the most audacious and hitherto successful attempts to frustrate the ends of justice which has yet been heard of in Canada.

The only action I can take, in so far as he is concerned, is to order a copy of this Judgment to be transmitted by the Clerk of the Crown to the Governor General for the adoption of such measures as His Excellency may be advised to take to maintain that respect which is due to the Courts of Canada, and the laws of England.

As to the public officers who have been connected with this matter, if any proceedings are to be adopted against them they will be informed thereof on Monday the 24th day of September next, in the Court of Queen's Bench, holding criminal jurisdiction, to which day I adjourn this case for further consideration.

No. 28.—*Telegram from Mr. Doutre to His Excellency the Governor General.*

MONTREAL, August, 30, 1866.

Mr. Doutre has the honor to submit the name of the Solicitor he intends intrusting with the case of Lamirande in London:—Mackenzie, Treherne & Trinden, 77, Gresham House, Old Broad Street.

(Signed,)

JOSEPH DOUTRE.

No. 29.—*Telegram from Mr. Doutre to His Excellency the Governor General.*

MONTREAL, August 30, 1866.

Mr. Doutre has the honor to ask Your Excellency if it would please Your Excellency to cause the following telegram to be sent at public expense through the Atlantic Cable, and favour Mr. Doutre with an answer.

"Mackenzie, Treherne & Trinden, Solicitors, London.

"MONTREAL, August 30, 1866.

"Ernest Sureau Lamirande, kept by E. Justin Melin and Joseph Sipling on steamship *Damascus*, Somers Watts, Master, due Londonderry, 3rd September. Stop him by *habeas corpus*; have his rendition suspended as illegal; papers mailed; I, perhaps, going."

(Signed,)

JOSEPH DOUTRE."



No. 30.—*Telegram from Mr. Doutre to His Excellency the Governor General.*

“MONTREAL, August 30, 1866.

“Mr. Doutre has the honor to ask Your Excellency to have the following words added at the end of his telegram to Mackenzie & Co., in case it should be transmitted as asked by previous telegram :

“See Lord Carnarvon.

“(Signed),

JOSEPH DOUTRE.”

No. 31.—*Telegram from Mr. Godley to Mr. Doutre.*

QUEBEC, August 30, 1866.

SIR,—Lord Monck cannot send Message at public expence. He has already notified the Colonial Secretary by telegraph.

(Signed),

DENIS GODLEY.

(No. 32.—*Mr. Doutre to Mr. Godley.*)

MONTREAL, September, 8, 1866.

SIR.—Enclosed you will find the joint report of Messrs. Doutre and Spilthorn, of their interviews with His Excellency on the 23rd August last, at Quebec. You will oblige by submitting it to His Excellency for remarks, if necessary. I intend sending a duplicate of that report to England, and to publish it in Canada, as some newspapers persist in qualifying as a fabrication the report made by Mr. Spilthorn of His Excellency's promise in Ottawa of allowing to Lamirande the time necessary for applying to higher tribunals. Considering that Lamirande might suffer from the doubts expressed by some newspapers about that promise, you will please submit to His Excellency that I cannot, for the sake of minor considerations, let my client suffer from my silence.

I intend sending that report to England on Wednesday next. If I do not receive any observations upon it before then, I will consider that there are none to expect.

If there was no objection to communicate to me the telegram of His Excellency to the Colonial Secretary, in relation to Lamirande, I would be exceedingly obliged for it.

I have, &c.,

(Signed),

JOSEPH DOUTRE.

Denis Godley, Esq.,  
&c., &c., &c., Quebec.

*Joint Report from Messrs. J. Doutre, Q.C., and C. L. Spilthorn, Attorney and Counsellor-at-Law, of their Interviews with His Excellency the Governor General of Canada on the 29th of August, 1866, in Quebec.*

MONTREAL, August 30, 1866.

The 29th of August, 1866, being a stormy day, and there being no probability that His Excellency would come to his office in town, where Messrs. Doutre and Spilthorn had enquired for him in the morning, Messrs. Doutre and Spilthorn started for Spencer Wood, where they were received by His Excellency about 12 o'clock.

On meeting them, His Excellency said that he understood the object of their visit, that no man had felt more aggrieved than himself at the wrong he had been instrumental in inflicting upon Lamirande.

Mr. Doutre then observed, that if the warrant of His Excellency surrendering Lamirande to France, had been the result of deliberation on the part of His Excellency, there would have been an immediate end to the interview, as their object in coming from Montreal was neither to blame His Excellency nor to discuss his action in the matter. But in such case he, Mr. Doutre, would be in the painful necessity of doubting the word of Mr. Spilthorn, when he reported that His Excellency had given him the verbal promise of allowing to Lamirande the time required for submitting his case on *habeas corpus* to higher tribunals.

His Excellency there interrupted, to say that Mr. Spilthorn had correctly reported the result of their interview in Ottawa, and that His Excellency had really promised to act as required in the petition of Lamirande.

"Then," continued Mr. Doutre, "I will feel at liberty to state the series of facts which have induced me and my companion to disturb Your Excellency in his private residence. We have come from Montreal to see if there would be any means of redressing the effects of the execution of Your Excellency's warrant, which had brought a deplorable conflict between the executive and judicial powers of the State.

"I saw that too late, unfortunately," said His Excellency, "to prevent that conflict, but it was far from being premeditated on my part. I will tell you, frankly, how the thing happened. Although the matter rested almost entirely with me, you understand that I would not undertake to decide upon a matter of law without acting under the advice of my constitutional legal advisers. On the 23rd day of this month, Mr. Solicitor General Langevin brought me that warrant to have it signed.

I told Mr. Langevin that I had promised the Attorney of the prisoner ample time to submit his case under a writ of *habeas corpus*, that if the warrant tendered for my signature should have the effect of interfering in the least with the application for *habeas corpus*, I would certainly not sign it. Mr. Langevin told me that the warrant would not interfere with or prejudice the proceedings adopted or to be adopted by the prisoner; that the warrant was only intended to be used when the application for *habeas corpus* would be disposed of, and in case it would not be granted. I have not seen Mr. Langevin since, but I must hear what he has to say. He is responsible to me for his advice, and he must explain how he has brought me into this painful and false position. If it would not inconvenience you, meet me at my office at 2 o'clock. I will be pleased to see you. In the meantime, if you can suggest any practical means of redressing the wrong I have been instrumental in inflicting upon the man, I will be very much obliged to you."

When Mr. Doutre related how it had been ascertained that the Attorney General's partners in business had been connected with the execution of the plan which had resulted in the taking away of Lamirande, pending the demand of release under *habeas corpus*, the participation of the Deputy Clerk of the Crown and of the Crown Prosecutor in the execution of the plan, every one of them knowing the existence of the proceedings for *habeas corpus*, the preparation of a draft of His Excellency's warrant by the Crown Prosecutor, and the copying of it on parchment by the Deputy Clerk of the Crown, even before the decision of the Police Magistrate had been rendered, the receiving of the fees from the prisoner on the petition for a writ of *habeas corpus* by the same Deputy Clerk of the Crown, the presence of the same Deputy Clerk of the Crown, and of the Crown Prosecutor at the presentation of the petition on the 24th August; the participation of both of them in the proceedings for *habeas corpus*, and after all this the visit of the same Deputy Clerk of the Crown at the residence of the Deputy Sheriff during the night of the 24th and 25th of August, with the Attorney General's partner, the High Constable, and French Detective Melin, to obtain an order grounded on His Excellency's warrant; the whole showing that all and every one of them had conspired together to bring His Excellency in disrepute, by treacherously causing His Excellency to commit a breach of his royal promise, and to set at defiance the authority of the Court of which they, the Deputy Clerk of the Crown, the Crown Prosecutor, and the High Constable were servants in their respective sphere of action. Mr. Doutre observed, moreover, that knowing the antecedents of three of the parties concerned in this disgraceful transaction, knowing that the Police Magistrate and the Deputy Clerk of the Crown had already been dismissed from office for malversation in and breach of public trust, and that the Crown Prosecutor had also been dismissed from office for disobedience and insolence to his superior officers, knowing that the same parties had been re-instated in office without having in any way removed the causes of their respective dismissal, and exclusively through the influence of the Attorney General; he knew from the first, that each and all of them would be subservient tools in the hands of the Attorney General's partners, and from the beginning he anticipated that nothing short of the fair dealings of His Excellency could protect his client from all kinds of attempt to evade law and justice on the part of the Attorney General's partners, aided and abetted by those officials. The result has proved that these anticipations did not yet reach the full height of the conspirators' knavery, since the high and regal position of His Excellency did not stop them in their nefarious designs. This will not be the last His Excellency would hear from the doings of the same parties. A few weeks ago the same Crown Prosecutors had abused His Excellency's warrant in another case of extradition. A man

of the name of Merrit having been committed for extradition, the nullity of his commitment was raised under a writ of *habeas corpus*, while His Excellency's warrant was asked for upon this same commitment. When His Excellency's warrant arrived at Montreal the commitment was quashed, and the release of the prisoner ordered; but another commitment was secretly obtained, and upon this second commitment His Excellency's warrant, which must have been anterior in date, was used to extradite the prisoner.

"Having thus shown to Your Excellency," continued Mr. Doutre, "how justice is administered in Montreal, I will now state to Your Excellency the practical object of our visit. We intend telegraphing to London, through the cable, to some Solicitors to take proceedings to suspend the rendition of Lamirande, if he is landed in England. But there our agents will have to fight against Your Excellency's warrant without any paper to show why that warrant should not be fully executed. Since Your Excellency has been deceived, we would humbly submit that Your Excellency should help us in preventing that violation of the law. As to the form under which Your Excellency might help us, we would leave Your Excellency to decide."

Then His Excellency told us that he would be willing to telegraph immediately to Lord Carnarvon, the Secretary for the Colonies, informing him of the illegality of Lamirande's extradition, and praying him to give to our solicitors all help in his power.

This closed the first interview. In the afternoon we met His Excellency at his office in town, when he told us that he was ready to telegraph, and that he was only waiting for the names of our solicitors in London. As we had not yet determined whom we would intrust with the case, it was agreed that we should send their names by telegraph from Montreal the next morning.

His Excellency then told us that he had seen Mr. Solicitor General Langevin, and that in justice to him he desired to communicate to us the explanation he had given of his conduct. "Mr. Solicitor General Langevin says," continued His Excellency, "that when I asked him if my warrant would interfere with the proceedings on *habeas corpus*," he understood to me ask him "if a writ of *habeas corpus* had been issued," and that he answered, "no."

"Mr. Langevin," remarked Mr. Doutre, "knew then what was going on, and what he was doing himself, and whether his explanation is true, or plausible, or not, it does not alter the case as to the *animus* of his advice to Your Excellency, but we have nothing to do with that."

As we were about leaving, Mr. Doutre observed, that as His Excellency then stood before the public, as having acted in violation of his promise to Mr. Spilthorn, he would feel bound to explain the matter in a public way, in justice to His Excellency.

"If you intend to do that, for my own sake," said His Excellency, "I would rather like that you should abstain from doing it." And His Excellency gave his motives for avoiding being mixed up in newspaper controversy.

Mr. Doutre replied, that His Excellency's desire would be complied with, as long as the interest of his client should not suffer from his silence, and we parted.

(Signed,)

JOSEPH DOUTRE.

"

C. L. SPILTHORN.

No. 33.—Mr. Godley to Mr. Doutre.

QUEBEC, September 10, 1866.

SIR,—I beg to acknowledge the receipt of your letter of the 8th instant, enclosing a "Joint Report from Messrs. J. Doutre, Q. C., and C. L. Spilthorn, attorneys-at-law, of their interviews with His Excellency the Governor General of Canada, on the 29th of August, 1866, at Quebec."

I have laid this document before the Governor General, and I am directed by His Excellency to inform you, that though he cannot restrain you from publishing anything that you please, he entirely denies the accuracy of the report of the language which in your statement he is made to use, and also disavows the construction which is put upon his conversation, as affecting his relations with the officers of the Crown.

In reply to your request that the telegram of the Governor General to the Secretary of State for the Colonies should be communicated to you, I am to acquaint you that His Excellency, in his message to Lord Carnarvon, expressed his desire that his warrant for

Lamirande's extradition should not be any obstacle to the prisoner's obtaining a writ of *habeas corpus* in England, as His Excellency understood that an application for that purpose would be made in the English Courts.\*

I have, &c.,  
(Signed)

DENIS GODLEY,  
Governor's Secretary.

J. Doutre, Esq., Q.C.,  
&c., &c., &c., Montreal, L. C.

No. 31.—*Mr. Doutre to Mr. Godley.*

MONTREAL, September 11, 1866.

SIR,—I have the honor to acknowledge the receipt of your letter of yesterday, in which you inform me that His Excellency the Governor General "entirely denies the accuracy of the report of the language which in our (Mr. Spilthorn and myself) statement he is made to use, and he also disavows the construction which is put upon his conversation as affecting his relations with the Officers of the Crown."

You will please express to His Excellency my regret that any portion of that report should be the object of either denial or disapprobation on the part of His Excellency, as we have taken great care to faithfully report the conversations we had the honor to have with His Excellency. Our object in laying down the details of those conversations, was to make a complete record of the facts relative to Lamirande's extradition. But as I never desired to serve any other object than the interest of my client in asking an interview with His Excellency, you will please state to His Excellency that I would very willingly forego any intention of making public from these conversations anything else but what is useful to Lamirande. The thing most useful to him was the acknowledgement on the part of His Excellency, that His Excellency had promised to Mr. Spilthorn at Ottawa that Lamirande would be allowed all the necessary time to submit his case for examination to higher tribunals, under a writ of *habeas corpus*. I hope there cannot be any difference between His Excellency on the one part, and Mr. Spilthorn and myself on the other, about that fact.

I beg therefore to submit to His Excellency the enclosed report of Mr. Spilthorn and myself, under date of this day, and I hope that by acknowledging the accuracy of the only fact stated in it, His Excellency will give to Mr. Spilthorn and myself the satisfaction of remaining with no other recollection but that of His Excellency's kindness towards us in our meetings at Quebec.

I have, &c.,

(Signed,) JOSEPH DOUTRE.

Denis Godley, Esq.,  
Secretary to His Excellency  
the Governor General.

On the 29th of August, 1866, the undersigned, Joseph Doutre, Q. C., and C. L. Spilthorn, Attorney and Counsellor-at-Law, had the honor of meeting His Excellency the Governor General of Canada, &c., at Quebec, in relation to the extradition of Ernest S. Lamirande, claimed by France as a fugitive criminal.

In that interview His Excellency acknowledged that Mr. Spilthorn, one of the undersigned, having presented a petition from the said Lamirande to His Excellency, about the 17th of August, 1866, in Ottawa, praying His Excellency that in case he, (Lamirande) should be committed for extradition by the Police Magistrate then investigating the matter, he (Lamirande) should be allowed the necessary time to submit his case to higher tribunals for examination, under a writ of *habeas corpus*, His Excellency had then and there told Mr. Spilthorn that ample time would be allowed to Lamirande for the purpose of submitting his case as mentioned in the said petition.

(Signed,)

JOSEPH DOUTRE,  
C. L. SPILTHORN.

Montreal, September 11, 1866.

\* The telegram referred to will be found printed under No. 1—Despatches from the Governor General.

No. 35.—*Mr. Godley to Mr. Doutre.*

GOVERNOR'S SECRETARY'S OFFICE,  
Quebec, September 12th, 1866.

SIR,—I have the honor to inform you that I have laid the paper which you inclosed to me in your letter of the 11th instant before the Governor General, and I am to acquaint you that it is therein correctly stated that His Excellency told Mr. Spilthorn that ample time would be allowed Lamirande to obtain a writ of *habeas corpus* before the execution of the warrant for his extradition.

I am further to apprise you that the Governor General expressly declines to sanction any publication of language held by him in reference to the matter, and that any such publication must be understood to be made without his consent.

I have, &c.,  
(Signed,) DENIS GODLEY,  
Governor's Secretary.

J. Doutre, Q. C., Montreal.

No. 36.—*Mr. Doutre to Mr. Godley.*

MONTREAL, September 13th, 1866.

SIR,—I have the honor to acknowledge the receipt of your letter of the 12th instant, in which you inform me that you have laid the paper inclosed in my letter of the 11th instant before the Governor General, and that it is therein correctly stated that His Excellency told Mr. Spilthorn that ample time would be allowed Lamirande to obtain a writ of *habeas corpus* before the execution of the warrant for his extradition, and that the Governor General expressly declines to sanction any publication of language held by him in reference to the matter, and that any such publication must be understood to be made without his consent.

In reference to this latter part, I beg leave to remind what I have said in my letter of the 11th instant, and, to avoid misunderstanding on this matter, you will please inform His Excellency that I do not intend publishing any thing in which His Excellency might feel some interest, but the paper inclosed in my letter of the 11th instant, and the first portion of your letter of the 12th instant, relative thereto.

I have, &c.,  
(Signed,) JOSEPH DOUTRE.

Denis Godley, Esq.,  
Governor's Secretary,  
Quebec.

No. 37.—*Charge addressed to the Grand Jury by the Hon. Lewis Thomas Drummond, one of the Justices of the said Court, at the opening of the term at Montreal, on the 24th day of September, 1866.*

PROVINCE OF CANADA, } Court of Queen's Bench, Crown Side, September Term, 1866.  
District of Montreal. }

GENTLEMEN OF THE GRAND JURY:

We must all feel a deep interest in maintaining the purity and efficiency of an institution such as the Grand Jury, which has been established for the twofold purpose of denouncing and bringing to justice all those who violate the law, and of protecting from false accusation all those who respect it.

The usefulness of this great and time honored institution (imperfect as it is in some respects, like all human devices) cannot be preserved, its abuse cannot be prevented, unless the men who are summoned to carry it into operation have imbibed a clear conception of their duties, their powers, and their immunities.

To define to you, therefore, these three subjects, to condense them in the most precise and practical manner I can, after a rigorous analysis of the law and the best authorities relating to them, seems to be my first and paramount duty on this as on all other similar occasions.

## POWERS AND DUTIES.

Your powers and duties, gentlemen of the Grand Jury, may be defined in the following manner:—

You have power, and it is your duty, to inquire into all public offences committed or triable in this District, and to report them to this Court, either by indictment or presentment.

After such inquiry upon an indictment, if you (at least twelve of you,) believe the person accused guilty of the offence therein charged against him, you should return the indictment into Court, after your foreman has caused to be written on the back thereof the words "true bill" or "a true bill," and placed his signature below these words.

If you believe the accusation to be unfounded, or not sufficiently proved to justify a public trial, you should return the indictment into Court as "no bill," or "ignoramus."

The latter form has, however, become well nigh obsolete, at least in Lower Canada.

## INDICTMENT AND PRESENTMENT.

An "indictment" is an accusation in writing submitted to, and after due enquiry, presented by the Grand Jury to a competent Court charging a person with a public offence. A "presentment" is an informal statement in writing, by the Grand Jury, apprising the Court that a public offence had been committed within the district, and that there is a reasonable ground for believing that a particular individual named or described has committed it.

Although the Grand Juries have undoubtedly the right to make any such presentment, and although it is the duty of any Grand Juror cognizant of every offence not brought up by indictment, to inform his brother jurors thereof, yet the practice usually followed in Lower Canada is to instruct the Crown Prosecutor, or in his absence the Clerk of the Crown, to proceed in the ordinary course. If, however, you deem it proper to make any such presentment, you should annex notes of the evidence taken in support of it, signed by your foreman, and you should not announce, in open Court, the name of the person accused; while the Court, if in its discretion it should order further proceedings, would be bound to prevent publicity being given to the particulars of such a presentment until an arrest had been effected.

## CERTAIN CASES EXCEPTED.

Under a recent Statute you are forbidden to enquire into any bill of indictment for perjury, subornation of perjury, conspiracy, obtaining money under false pretences, or for keeping a gambling house or disorderly house, or for any indecent assault, unless the prosecutor has been bound by recognizance to appear to answer such indictments, or unless such indictment be preferred by the direction or with the consent in writing of a Judge of the Court of Queen's Bench, or of the Superior Court, or of the Attorney General or Solicitor General of Lower Canada.

## PROOF REQUIRED.

No indictment should be returned as "a true bill," and no presentment should be made without the concurrence of at least twelve jurors. No indictment should be returned into Court as "no bill" until all the witnesses named in it have been heard, if present or accessible; but you are not obliged to hear all such witnesses, if you are fully convinced by the evidence of one or more that the accused should be put upon his trial. The safer course, however, is to examine them all. In the investigation of any charge, either upon an indictment, or for the purpose of a presentment, you can receive no evidence other than such as is given by witnesses produced and sworn before you, or furnished by confession made upon voluntary examination before a magistrate, or by other legal documentary evidence.

No affidavits or depositions should be received by you in evidence, except such as contain dying declarations in cases of alleged murder or manslaughter. Even these should not be read as evidence before you without previous consultation with the Counsel for the Crown, or in his absence with the Clerk of the Crown, or by permission of the Court.

You can receive none but legal and the best evidence the case will admit of, to the exclusion of "hearsay," or secondary evidence.

You are not bound to hear evidence for the defence, but it is your duty to weigh all the evidence submitted to you, and when you have reason to believe that other evidence within your reach may alter the character of the charge or explain it away, you should order such evidence to be produced.

You should return "a true bill" against no man, unless upon such evidence as in the aggregate would, in your judgment, if unexplained or uncontradicted, warrant a conviction upon trial by a Petit Jury; but in cases where you entertain any reasonable doubt, the protection you owe to the community would seem to require that you should allow that balance to incline against the accused which a Petit Jury, after a full investigation of the facts, if in the same frame of mind, would reverse in his favor.

An indictment for murder, where the slaying is proved against the accused, may be returned as a "true bill" for manslaughter, if you are fully convinced that the death involved no malice aforethought, either direct or implied; but the safer course, in the interest of the public, is to return a true bill for murder, leaving it to the Petit Jury under the direction of the Court, to discriminate between these two species of homicide.

#### DUTIES APART FROM INQUIRY INTO PUBLIC OFFENCES.

In addition to the duties incumbent upon you in direct relation to public offences, you are also bound to enquire into the condition and management of the public prisons, and into the cause of detention of every person imprisoned on any charge and not indicted.

#### ASSISTANCE DUE.

In order to enable you to perform those high functions with efficiency, you are entitled to (at all reasonable times) the advice of the Court, or of the Counsel representing the Crown, or in his absence, of the Clerk of the Crown, and to obtain the assistance of the latter (or of any other person deputed by him,) in the marshalling and examination of witnesses before you; but no other person apart from the witness actually under examination should be allowed to appear in the Grand Jury Room while you are engaged in the performance of your duties, except the private prosecutor, in cases not conducted by counsel, and you must allow no person whomsoever to be present in your room while you are expressing your opinions or giving your votes upon any matter before you.

You are also entitled to free access, at all reasonable times, to the public prison, and to an examination, without charge, of all public records connected with the performance of your duties as Grand Jurors.

#### IMMUNITIES.

Your immunities consist principally in the protection with which the law surrounds you against all responsibility, all liability of being questioned or called to account in any way for anything you may say, or any vote you may give in the Grand Jury Room, relative to a matter legally pending before you, except in the improbable event of a Grand Juror committing perjury in making an accusation or giving testimony to his fellow jurors.

#### SECRECY.

I need not allude to the secrecy you are bound to observe as to all proceedings, for you have pledged yourselves by the oath you have taken to keep the secrets of your fellow-jurors as well as your own, and that solemn pledge is binding on you, not only while you are fulfilling your duties as Grand Jurors, but for all time thereafter.

Having set forth the rules by which you are to be guided in your deliberations, I come to the consideration of the calendar of offences, which it will be your duty to investigate; it is, I regret to say, a heavy one, comprising some accusations of a most heinous character.

The instructions given to you above will, I trust, assist you in your enquiry, and you may rely upon the determination of the Court to award adequate punishment to all who shall be found guilty of the violations of the law.

But, apart from these vulgar crimes, I deem it my duty to call your attention to a startling violation of law, committed by several persons connected with the administration of justice. I allude to the case of E. S. Lamirande, who, while his petition for a writ of

*habeas corpus* was under consideration before one of the Judges of the Court, and after His Excellency the Governor General had assured him, through his counsel, that he would have ample time to obtain a decision upon his case by this Court before any warrant of extradition should issue, was forcibly and illegally carried off beyond its jurisdiction.

A crime of this character, involving a flagrant contempt of the judiciary of our country—an insult to our gracious Sovereign in the person of her representative, our good and noble Governor General—and a violation of the writ of *habeas corpus*, the foundation of all our liberties as British subjects, demands of you, as the Grand Inquest of this District, a strict and earnest investigation.

You may now retire to your Chambers, where, I have no doubt, you will perform the arduous labors which await you, with full satisfaction to your own conscience, and to the country you represent.

No. 38.—*Presentment of the Grand Jury.*

PROVINCE OF CANADA, } Court of Queen's Bench. Crown side, September Term, 1866,  
District of Montreal. } May it please the Court.

Having terminated the business submitted to us, before seeking our discharge at the hands of the Court, we beg leave to offer our sincere thanks to his honor the presiding Judge, for the interesting and careful charge he was pleased to deliver to us on the first day of the present term. By the luminous instructions given to us with regard, not only to our rights and duties, but also as to our immunities and obligations, we have been much aided in the long and sometimes difficult investigations in which we have been engaged, and we trust that with the help so given we may have been enabled to discharge our duties with advantage to the country as well as with comparative ease to ourselves. We cannot however fail to express our regret that the work thrown upon us has been so heavy, and it is impossible to conceal the fact that crime, and that of the most serious description, increases almost in proportion to the material prosperity of this community. In particular, the jurors have seen, with some concern, the alarming increase of the crime of larceny, which is in some measure owing to the facility with which the plunder is disposed of. Much praise, however, is due to the detectives Cullen and Boucharde, for their zeal and ingenuity in finding out the haunts of these depredators and bringing them to justice. On the other hand, it is to be regretted that certain county magistrates send up for trial, at a vast expense to the country, cases too insignificant for the consideration of this Court. In a word, we have endeavored, and we hope successfully, to keep up to the rule laid down in our oath, to present no one from malice, hatred, reward, or hope of reward, and to leave no one unrepresented from fear, favor, or affection.

The Jurors visited the Common Gaol, and find that so far as the accommodation goes, everything is in perfect order; but the Grand Jury think it right to draw attention to the following facts:—

Five and twenty years ago the Gaol was constructed to hold 250 prisoners, and on the 6th of October there were 440 inmates, male and female, besides children.

On the 9th instant, when the Grand Jurors went there, the actual number was:—females, 209; males, 206, making a total of 415; of whom there were, of female lunatics, 11, males, 4; leaving a balance of criminals, 400.

The Grand Jurors also find that in the year 1845 there were 1,313 commitments; in 1865 the commitments amounted to the enormous number of 4,424, while the increase in the number of turnkeys has been only two, one man and one woman.

In order to supply room for this increased number of prisoners, the debtors' prison has been taken up, so that we find two debtors' occupying the convict's ward; and a woman sentenced to a fine for selling liquor without license, which she cannot pay, obliged to keep company with the most abandoned women and idiots.

This seems to be a hard measure of justice.

But want of space, which thus prevents any proper classification, is not the only fault of the Gaol; it is also very insecure. During the last year there have been seven escapes, one being that of a youth who was twice convicted of larceny on his own confession, during this term.

The Grand Jurors feel that their duty would be only half done, did they fail to offer



any practical suggestions to improve the prison. They therefore beg leave to present that in their opinion there should be constructed forthwith a house of correction for the incarceration of all those convicted before the Judge of Sessions out of Sessions, and before the Recorder; and that to render the Gaol more secure, the enclosure-wall should be raised at least four feet, and be furnished with a round stone coping. They also consider that the number of turnkeys and of the armed guard should be increased, and that a house for the gaoler should be constructed in the yard, apart from the prison; with these changes and the addition of a house of correction, the Grand Jury believe the present Gaol may be made to meet the requirements of the district for many years to come.

Among the prisoners now confined in the Montreal Gaol, are a certain number of those taken during the Fenian raid in June last. The Jurors hope that no unnecessary delay will occur in bringing these persons to trial.

The Jurors have learnt with regret that the Corporation of Montreal persists in licensing houses which have been made the subjects of complaint by the police, and this in violation of a bye-law of the City Council.

In conclusion, the Jurors desire to express the satisfaction they feel that the excitement consequent upon the invasion of our Provinces in the month of June last, by bands of wicked and lawless men, citizens of a neighboring country, between whose Government and ours no cause of disagreement existed, have now happily subsided. The good faith of the American Government in maintaining international obligations, together with our own watchfulness and due preparation against any attempt at a repetition of such unholy designs, it is to be hoped, will in future allow the inhabitants of this country to pursue their usual avocations in peace.

The Court drew the attention of the Grand Jurors to the extradition of Ernest Sureau Lamirande. They now submit the affidavit of Joseph Doutre, Esq., Q. C., also their answers to a circular letter containing interrogatories for the consideration of the Court

The whole respectfully submitted.

(Signed,)

J. W. DORWIN,  
Foreman.

Grand Jury Room,  
Montreal, October 10th, 1866.

No. 39.—*Motion for Copies of Papers by Mr. Doutre.*

PROVINCE OF CANADA, } In the Court of Queen's Bench; Crown side. *Ex parte*, Ernest  
District of Montreal. } Sureau Lamirande, for Writ of *Habeas Corpus*.

Motion on the part of the petitioner, that for reasons mentioned in the affidavit now filed, and on payment of the usual fees, he be allowed to have a copy of the papers filed by the Grand Jury of this district, with their presentment, and of the consultation asked by the said Grand Jury, from the Honorable Judge presiding over this Court, upon which consultation the said Honorable Judge gave the answers filed of record in this matter.

(Signed,)

JOSEPH DOUTRE,  
Attorney for the Petitioner.

Montreal, October 12th, 1866.

PROVINCE OF CANADA, } In the Court of Queen's Bench; Crown side. *Ex parte*, Ernest  
District of Montreal. } Sureau Lamirande, for *Habeas Corpus*.

Joseph Doutre, of the City of Montreal, Queen's Counsel, being duly sworn, doth depose and say:—

That on the first day of October, instant, the deponent has been summoned to be and appear on the 2nd day of the said present month, before the Grand Jury then sitting in the district for the present term of this Court, the deponent being given to understand that he was so summoned to be examined in relation to the circumstances under which the said Ernest Sureau Lamirande had been removed from the jurisdiction of the Judges of this Court, while his application was pending for his discharge under a writ of *habeas corpus*; that the examination of the deponent was postponed from day to day until the afternoon of the 9th day of this month, when he was requested to attend before the said Grand Jury; that when the deponent was examined, the Crown Prosecutor, T. K. Ramsay, Esq., Advocate, was present in the Grand Jury Room, under the pretence, as expressed

by himself, of marshalling the evidence, to be taken by the said Grand Jury on the subject above mentioned.

That the said T. K. Ramsay did in effect take down in writing the evidence given by the deponent, frequently interrupting the deponent, and discussing the relevancy of the evidence then taken down; that after the deponent had terminated what he considered to be the facts inquired into by the Grand Jury, the said T. K. Ramsay expressed the desire of cross-examining the deponent; that the deponent then expressed to the Jury that as long as the facts of the case were unknown to them, they might see no objection in the presence of the said T. K. Ramsay, in their room; that since the deponent had related the facts then written down, it was and should be manifest to them that the said T. K. Ramsay had been one of the prompters and accomplices in the conspiracy which had resulted in the fraudulent removal of the said Ernest Sureau Lamirande; and that if the said T. K. Ramsay was allowed not only to marshal the evidence, but also to control it, as he had attempted to do since the beginning of the deponent's deposition, any person accused of ordinary crimes could claim with as much right as the said T. K. Ramsay the privilege of marshalling and controlling the evidence produced against him; that the said T. K. Ramsay then persisting in remaining in the Grand Jury Room, and taking part in their inquest, the Grand Jury requested both the deponent and the said T. K. Ramsay, to withdraw; and shortly after the Grand Jury came in Court and transmitted to the Honorable Judge then sitting, a paper, which was presumed by the deponent to be a consultation with the Honorable Judge, by the character of the answer given in open Court by the Honorable Judge; that after the receipt of that answer, the deponent was again called before the Grand Jury, there he found the said T. K. Ramsay, still taking down the evidence given by the deponent, and directing the proceedings of the Grand Jury as heretofore; that in the opinion of the deponent, founded on the above facts, the proceedings of the Grand Jury were brought to an abrupt and unexpected termination by the persistence of the said T. K. Ramsay, in controlling the proceedings of the Grand Jury; that the petitioner, Lamirande, has adopted proceedings in England, and petitioned Her Majesty, in order to obtain Her protection against the consequences of the conspiracy which has resulted in the removal of the petitioner from the jurisdiction of Judges of this Court; and that the petitioner, in order to show to Her Majesty how justice is administered in this district, and the participation of the Crown Prosecutor in defeating the ends of justice, is entitled to have copies of the papers mentioned in the accompanying motion, and hath signed.

(Signed),

JOSEPH DOUTRE.

Sworn and acknowledged before the Court, on the 12th day of October, 1866.

(Signed,) DESSAULLES & ERMANTINGER,  
Clerk of the Crown.

No. 6.—*Copy of a Despatch from Viscount Monck to the Right Honorable the Earl of Carnarvon.*

(No. 182.—Received November 14, 1866.)

(Answered, No. 110, November 24, 1866.)

QUEBEC, October, 31, 1866.

MY LORD,—With reference to my despatch, No. 175, of the 25th October, I have now the honor to transmit to Your Lordship copies of the affidavit therein alluded to.

I have, &c.,

(Signed,)

MONCK.

The Right Hon. the  
Earl of Carnarvon,  
&c., &c., &c.

[Translation.]

(Inclosure in No. 6.)

*Affidavit of Edme Justin Melin.*

In the City of Quebec, Province of Canada, District of Quebec,—Edme Justin Melin, *Inspecteur Principal de Police*, of Paris, France, being duly sworn on the Holy Evangelists, deposeth and saith: That on the 11th day of March last, the safe of the Branch of the Bank of France at Poitiers, in that part of the French Empire called Haute-Vienne,

was robbed of a sum of 700,000 francs, and that the robbery was effected and committed by Charles Ernest Sureau de Lamirande *dit* Lamirande, Cashier of the said Branch of the said Bank of France at Poitiers, Haute-Vienne aforesaid.

That at or about the same time the said Charles Ernest Sureau de Lamirande *dit* Lamirande escaped from the territory of the French Empire and proceeded to the City of New York, in the State of New York, one of the States of the Republic of the United States of America.

That on or about the 9th day of April last, the said Lamirande was arrested in the said City of New York, and that while proceedings for his extradition were in progress, he succeeded, on the 3rd day of July instant, in escaping from the aforesaid city and from the judicial authorities of the United States of America. That from information which is in his possession, he has every reason to believe that the said Charles Ernest Sureau de Lamirande *dit* Lamirande has fled to Canada and is still concealed in some part of that Province.

That, moreover, the said Charles Ernest Sureau de Lamirande *dit* Lamirande did fraudulently falsify the books of the said Branch of the said Bank of France at Poitiers, Haute-Vienne aforesaid, by causing to appear therein as being in the safe of the said Bank such sum of 700,000 francs aforesaid, which he had appropriated, and that he was further guilty of forgery in altering and falsifying his balance sheet (*bordereau de situation*), and that he therefore comes within the provisions of the existing treaty between England and France for the extradition of criminals.

This deposition being read, the deponent persists therein, stating that it contains the truth, and hath signed.

(Signed,)

E. J. MELIN.

Sworn before me at Quebec, this 18th  
day of July, in the year 1866.

(Signed,) J. T. TASCHEREAU,  
J. S. C.

No. 7.—*Copy of a Despatch from Viscount Monck to the Right Honorable the Earl of Carnarvon.*

(No. 193.—Received Nov. 26th, 1866.

QUEBEC, November 10th, 1866.

MY LORD,—With reference to previous correspondence respecting the case of Lamirande, I have the honor to transmit herewith, for your Lordship's information, three copies of a letter and of its inclosures, from Mr. Ramsay, Crown Prosecutor, at Montreal.

I have, &c.,

(Signed,)

MONCK.

Right Hon. Earl of Carnarvon,  
&c., &c., &c.

(Inclosure 1 in No. 7.)

*Mr. Ramsay to Mr. Godley.*

MONTREAL, November 3, 1866.

SIR,—At the request of the Attorney General for Lower Canada, I have the honor to inclose you three copies of a paper filed by me at the request of Mr. Justice Drummond, containing certain admissions on his part which had been previously made by him in open Court, in case His Excellency the Governor General should think it right to forward them to England. The value of these admissions is that by my disculpation by the Judge, the alleged conspiracy falls to the ground, for without conspirators there cannot be conspiracy. Now, previously, Mr. Justice Drummond had openly disculpated the Deputy Sheriff, Mr. Schiller, and the gaoler, and privately he had done as much for Messrs. Pominville and Bétourney, who were the only other persons actually employed in the extradition of Lamirande.

I have, &c.,

(Signed,)

T. K. RAMSAY.

D. Godley, Esq.,  
&c., &c., &c., Quebec.

(Inclosure 2 in No. 7.)

PROVINCE OF CANADA, } Court of Queen's Bench, Crown side, September Term, 1866.  
 District of Montreal. } The Queen vs. Thomas Kennedy Ramsay.—On rule to show cause.

In consideration of the declaration made this morning in open Court by Mr. Justice Drummond, to the effect that in his remarks, with relation to the extradition of Ernest Sureau Lamirande, in Chambers, on Saturday, the 25th day of August last, and on Monday, the 27th day of August last, he did not say nor did he intend to insinuate that the said Thomas Kennedy Ramsay was the party guilty of any conspiracy in the said affair, nor in the falsification of a public document alluded to in the said Judge's remarks, nor of any act of a nature to compromise his character, individually or personally. The said Thomas Kennedy Ramsay withdraws whatever may be personally offensive to Mr. Justice Drummond, in two certain letters, published in the "*Montreal Gazette*," on the 28th and 30th days of August last, and bearing the signature of him, the said Thomas Kennedy Ramsay, the said letters having been only written in answer to the remarks of the said Judge, as reported in the "*Herald*" of the 27th and 29th days of August last; and the said Thomas Kennedy Ramsay further regrets that he should have been induced by such reports to misinterpret the words as also the intentions of the learned Judge.

(Signed,)

T. K. RAMSAY.

Montreal, November 2, 1866.

No. 8.—*Copy of a Despatch from Lieutenant General Sir J. Michel to the Right Hon. the Earl of Carnarvon.*

MONTREAL, January 3, 1867.

(No. 4—Received January 25, 1867.)

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch, No. 114, of the 14th December, informing me that the Frenchman, Lamirande, had been tried in France and found guilty of forgery (*Faux*), and sentenced to ten years' reclusion.

I have, &amp;c.,

(Signed,)

J. MICHEL.

The Right Hon. the Earl of Carnarvon,  
 &c., &c., &c.

## DESPATCHES FROM THE SECRETARY OF STATE.

No. 1.—*Copy of a Despatch from the Right Hon. the Earl of Carnarvon to Viscount Monck.*

No. 61.

DOWNING STREET, September 22, 1866.

MY LORD,—I have the honor to transmit to you the enclosed copy of a despatch from Her Majesty's Ambassador at Paris, to the Secretary of State for Foreign Affairs, accompanied by a letter from a French subject, named Lamirande, complaining of his having been given up to the French Government under the Extradition Treaty, and more especially of the manner in which he was removed from Canada whilst his case was still under the consideration of a Judge of the Court of Queen's Bench in the Province.

I received from you a telegram, stating that Lamirande had been delivered up under your warrant, and that he had sailed in the *Damascus*, owing to delay in obtaining a *habeas corpus*, but the telegram contained no further particulars.

The statement made by Lamirande in his present letter, and the accounts which have appeared in the public journals, give an account of the case, which demands full enquiry and explanations. I have, therefore, to request that Your Lordship will transmit to me, if you have not done so already, a complete report of the case. This report will shew under what circumstance and upon what advice Your Lordship's warrant was issued, and also how it happened that Lamirande was withdrawn after his case was partly heard before

a Judge of the Supreme Court, and whether any Officers of Justice or persons in the service of your Government had any share in that proceeding, and, if so, what steps have been taken in consequence.

I have, &c.,  
(Signed,)

GARNARVOX.

Viscount Monck,  
&c., &c., &c.

(Inclosure 1 in No. 1.)

*Earl Cowley to Lord Stanley.*

(No. 249.)

PARIS, September 14, 1866.

MY LORD,—Maitre Lachaud, one of the most eminent members of the French Bar, addressed me a letter, of which I have the honor to enclose a copy, transmitting a letter from a Frenchman named Lamirande, who appears to have been given up by the Government of Canada to the French Government, under the Extradition Treaty of 1842.

As Lamirande requests that his letter may be laid before Her Majesty's Government, I enclose it herewith.

I have, &c.,  
(Signed,)

COWLEY.

Lord Stanley,  
&c., &c., &c.

(Inclosure 2 in No. 1.)

*M. Lachaud to Lord Cowley.*

[Translation.]

PARIS, September 12, 1866.

MY LORD,—I have the honor to transmit to Your Excellency a letter which Mr. Lamirande, formerly Cashier of the Bank of France at Poitiers, has sent to me for communication to you.

I have not seen Lamirande and I can therefore add nothing to the protests which he raises, but if the facts advanced by him are true they have an importance which will doubtless strike Your Excellency, and I confine myself to drawing your kind attention to this letter.

I am, &c.,  
(Signed,)

A. LACHAUD,  
*Avocat de la Cour Impériale.*

Earl Cowley,  
&c., &c., &c.

(Inclosure 3 in No. 1.)

*M. Lamirande to Earl Cowley.*

PRISON OF THE POLICE PREFECTURE,

PARIS, September 11, 1866.

[Translation.]

EXCELLENCY,—I have been carried off from the Prison of Montreal, where I had been committed on an unjust sentence to await my Extradition, under such circumstances that in making them known to your Government, I think it will perceive therein a violation of the English Law, and of the Treaty of Extradition between France and England, and that it will be able to authorise you to reclaim me from the Emperor's Government.

The sentence which had committed me for the purpose of Extradition was appeared against, and the case, already brought on and argued before a Judge of a higher rank than the first one, was to be concluded the next day at 11 o'clock in the morning, by the decision of this Magistrate, when the following facts occurred:—

At 11 o'clock at night, after having been present at the pretended departure of the Montreal train for Quebec, the Magistrate in question came to assure himself that I was safe in prison. Between 1 and 2 o'clock in the morning I received an order from the Governor of the Prison to get up and depart. The French Police Officer, who was sent in pursuit of me, took possession of me with the assistance of several other persons, by force,

and without being able to show me the order by virtue of which they were carrying me off, I was placed in a carriage and taken to a Station of the Montreal and Quebec Railway (I think the St. Charles Station) and not to the Montreal terminus. For making a false start, in order to deceive the public and my counsel as well as the Judge, who was to deliver judgment the following morning at 11 o'clock, and the authorities themselves, the train was started at its usual time, 10 o'clock, and was stopped for three or four hours at the above mentioned station. I was shut up in custody of three men in a compartment reserved for the use of the servants of the Company.

I saw Mr. Spilthorn, one of my New York counsel, pass by, probably the only person who had succeeded in discovering my abduction. I wished to speak to him; I was prevented by force. On arriving at Quebec I was put on board the "Damascus," the departure of which had been delayed, and where the Counsel of whom I have just spoken, asked by virtue of what order I was thus carried off; the persons who surrounded me replied that they had no explanation to give him; that they were executing their orders, and had no papers to show. He retired, protesting against this incredible abuse of power.

On arriving at Liverpool, where there was no Magistrate competent to take cognizance of my case, I was taken to London, where I was told such a Magistrate would be found.

There I was taken by night to an hotel, situated in a street the name of which I do not know, nor yet that of the hotel. Three persons came there; I was told they were lawyers engaged by a despatch from Mr. Doutré, my counsel at Montreal. After a conversation, at which I was not present, between these gentlemen and a Canadian who accompanied me from Montreal with the French Police officer, these three gentlemen retired without my being able to obtain any communication with them.

At six o'clock in the morning I was taken from the Hotel, and conducted by railway to Dover, from which place I was embarked for France.

When I tell your Excellency that the sentence of the first Judge makes me answerable for the crime of forgery, which I do not consider I have committed, either according to French or English laws; that in the proceedings taken against me at New York, this count in the indictment was even abandoned, that the Crown counsel at Montreal himself acknowledged that I had not committed this crime; that besides I do not at all demand to be given up to England to be set at liberty there, but only in order that the proceedings interrupted by force at Montreal may go on, or that I am ready, if it is preferred, to submit the case to the High Court of England, or it matters not to what other jurisdiction, it appears to me that the Queen's Government may be impressed by these reasons, and may request you to reclaim me from the Government of the Emperor.

I beg Your Excellency to be pleased to transmit my letter to the English Government, and to acknowledge its receipt.

I have &c.,

(Signed,)

E. S. LAMIRANDE.

P.S.—The document which those persons who carried me off did not possess, was, I think, that which is required by the treaty, in virtue of which I could have been legally arrested in France, on the charge of the crime for which my extradition was demanded.

I have just now heard that I am about to be transferred to the Poitiers prison (Department of Vienne,) where I beg Your Excellency to acquaint me with the result of my complaints.

My name and surnames are Sureau Lamirande, Charles Constant Ernest.

No. 2.—*Copy of a Despatch from the Right Hon. the Earl of Carnarvon to Viscount Monck.*

(No. 67.)

DOWNING STREET, September 27, 1866.

MY LORD,—With reference to my Despatch, No. 61, of the 22nd instant, calling for a report on the case of Lamirande, I have the honor to inform Your Lordship that the Secretary of State for Foreign Affairs has instructed Her Majesty's Ambassador at Paris to address a representation to the French Government with a view of delaying

any further judicial proceedings against the prisoner until Her Majesty's Government are in possession of more authentic information in regard to this case.

I have, &c.,

(Signed,)

CARNARVON.

Viscount Monck,  
&c., &c., &c.

No. 3.—*Copy of a Despatch from the Right Hon. the Earl of Carnarvon to Viscount Monck.*

(No. 84.)

DOWNING STREET, October 27, 1866.

MY LORD,—I have the honor to acknowledge Your Lordship's Despatch, No. 155, of the 6th instant, explaining the circumstances under which a prisoner, named Lamirande, was delivered by the Canadian Authorities to the French police, while his case was under the hearing of the Court of Queen's Bench at Montreal, and before the writ of *habeas corpus* was issued. I will only now say that I have read with great concern the history of this transaction, which is engaging the anxious consideration of Her Majesty's Government.

I have, &c.,

(Signed,)

CARNARVON.

Viscount Monck,  
&c., &c., &c.

No. 4.—*Copy of a Despatch from the Right Hon. the Earl of Carnarvon to Viscount Monck.*

(No 110.)

DOWNING STREET, November 24, 1866.

MY LORD,—Her Majesty's Government have had under their consideration your Despatches, No. 155, October 6; No. 164, October 18; No. 173, October 25; No. 174, October 25; No. 175, October 25, and No. 182, October 31, 1866, respecting the case of E. S. Lamirande, recently surrendered to the French authorities.

This person was apprehended on a charge of forgery committed in France, under a warrant issued by you on requisition of the French Consul General. He was brought duly before a Magistrate, and on the 22nd of August committed by him to gaol with a view to his surrender. But some days before that date you were informed that the prisoner intended to apply for a writ of *habeas corpus*, as he was clearly entitled to do, and you promised that time for making such an application should be allowed.

On the 24th of August you signed a warrant authorizing the prisoner's surrender. This step you took on the advice of your Solicitor General, and you state that when you took it neither you nor he were aware that any application had been made for a writ of *habeas corpus*.

You did not take any steps to ascertain this point; but as two days appeared to have elapsed since the committal of the prisoner to Gaol, you considered that ample time had been allowed to enable him to obtain that writ.

The application in fact was made and argued before the Court of Queen's Bench at Montreal, on the very day on which you signed your warrant at Quebec. The Judge had reserved his decision till the following day. Meanwhile, the warrant, once signed by you had become available by those who were interested in its immediate execution. On the evening on the 24th it was presented to the prison authorities at Montreal, who, of course were bound to obey it. Under its authority Lamirande was delivered over, and at once sent off to France.

The next morning the Court declared him entitled to his release.

Various questions have been raised with reference to this surrender, which it is necessary to observe, purported to be made under authority of the Imperial Act 6 and 7 Vic., cap. 75. For the purposes of that Act (which in this respect is differently framed from a similar Act of the same year, relating to the United States), I am advised that the requisition for Lamirande's delivery ought to have been made not by the Consul, but by a

“Diplomatic Agent,” in the strict sense of that phrase, and that the facts alleged against him did not constitute the crime of forgery, according to the English law, on the plea of which his surrender was claimed.

These, however, are matters on which I am not surprised that you should have guided yourself by the advice which you received from your Solicitor General. I can only regret that his opinion, on the faith of which your warrant was signed, should have so materially differed from that adopted by the Court of Queen’s Bench in Canada, and by Her Majesty’s Law Officers in this country.

The proceeding by which the French authorities were enabled to obtain possession of the person of Lamirande, requires, I am sorry to say, more serious notice from me.

You appear to consider that, having reference to the nature of the offences charged against this person, to the general duty of contributing by all proper means to the execution of substantial justice, and to the written and unwritten obligations which subsist between England and France—two civilized and friendly nations—it was your duty to allow to the prisoner little more than the smallest possible time within which it was practicable for him to obtain a decision on his application for the writ of *habeas corpus*. I by no means undervalue the considerations by which your judgment was influenced. I need hardly say that I give you entire credit for being exclusively actuated by them. But I am obliged to add, that I wholly dissent from the conclusion at which you arrived. Being fully informed of the prisoner’s intention to apply to the Supreme Court, it was your duty not to regulate your conduct by conjectures which any accident might disturb, and which the time required by the Judge for deliberation did in fact disturb; but to take care that the authority which you hold from Her Majesty was not directly or indirectly abused to frustrate the administration of justice in a matter which had been brought by legitimate means under the cognizance of a court of law, and was being effectively prosecuted by the parties interested. You observe that the prisoner has no right to take advantage of his own negligence in obtaining the writ of *habeas corpus*, which would have afforded him the necessary protection; but I think that you here assume a negligence on his part which, as far as the papers before me enable me to judge, has had no existence. For some days you had had reason to anticipate that Lamirande’s person would be brought under the protection of the Queen’s Bench, and before you authorized his surrender to the French authorities it would have been only a proper exercise of your discretion to ascertain whether he was or was not under that protection. The omission to take this precaution has led to a most unfortunate abuse of your authority.

The probable, or even if it were so, the undoubted guilt of the prisoner cannot affect the question. A great scandal has taken place, and an insult has been passed upon the dignity of the law and the regular administration of justice in the Canadian Courts. It is true, as you say, that a person charged with the offences, and arrested under the circumstances of this case, deserves no special favor or indulgence at the hands of the authorities but he has a right to the protection which every accused person can claim under the humane principles of the English law, and any abridgment of that protection tends to shake the confidence of society in the execution of justice, and inflicts a wrong upon the individual. In this case, I am obliged, therefore, with whatever reluctance, to express my decided disapproval of the course which Your Lordship was induced to adopt.

With the conduct of those Canadian Officers who have taken part in this transaction I am less immediately concerned. As from the course which circumstances have taken in this case there is no question of any demand made by a Foreign Power upon Great Britain, and no question of Imperial duty arises, it appears to me a matter which may properly be considered as falling within the province of Canadian administration. The Subordinate Officers who have had a share in the surreptitious withdrawal of Lamirande are responsible to their Superiors, and their Superiors to the Parliament, the constituencies, and the public opinion of Canada. Whilst I think that the further investigation into this matter properly belongs to the Provincial Authorities, I feel that I should not be discharging my duty if, after taking the best opinion at my command, I did not inform you that the explanations hitherto afforded by your Solicitor General of his conduct in obtaining the warrant whilst the case was actually under the hearing of the Judge, would not have been deemed satisfactory by Her Majesty’s Government.

I am not obliged to express any further opinion on this part of the subject beyond



what is implied in the observations which I have addressed to yourself. I shall have performed my duty as the servant of the Queen in communicating to Your Lordship, to whom Her Majesty's authority is delegated in one of the most important of Her Colonies, the judgment of Her Advisers respecting the course which you have adopted in this case, and the principles by which, in any future question of a similar kind, they desire you to be guided.

I have, &c.,

(Signed,)

CARNARVON.

Viscount Monck,  
&c., &c., &c.,

No. 5.—*Copy of a Despatch from the Right Hon. the Earl of Carnarvon to Viscount Monck.*

No. 114.

DOWNING STREET, December 14, 1866.

MY LORD,—I have been officially informed that the Frenchman, Lamirande, has been tried in France, and that he had been found guilty of Forgery (*Faux*). He has been sentenced to ten years' reclusion, and from this decision he has appealed to the Court of Cassation, where the whole question will be considered.

I have not yet received a full report of the proceedings on the recent trial.

I am informed that the punishment of reclusion is more severe than that of imprisonment, and it carries with it the penalty of the loss of all civil rights.

I have, &c.,

(Signed,)

CARNARVON.

Viscount Monck,  
&c., &c., &c.,

**CORRESPONDENCE RESPECTING THE EXTRADITION OF M.  
LAMIRANDE FROM CANADA.**

TABLE OF CONTENTS.

No.	—	Date.	SUBJECT.
1	Earl Cowley....	Sep. 14, 1866.	Transmitting copy of letter from Maître Lachaud, inclosing letter from M. Lamirande, protesting against his surrender to France by the Government of Canada, under the Extradition Treaty.
2	To Earl Cowley..	“ 26, “	Has referred the above to the Colonel Office. Colonial Office not in possession of the facts of the case. To address representation to French Government.
3	Earl Cowley....	“ 27, “	Inclosing copy of note addressed to French Government.
4	Do .....	“ 27, “	Extract from <i>Moniteur</i> relative to the extradition of Lamirande.
5	Do .....	Oct. 9, “	Inclosing copy of note from M. de Moustier. Views of the French Government. Lamirande's trial to take place in due course.
6	To Earl Cowley..	“ 25, “	Her Majesty's Government wish to be informed of date of trial. Desirable that as much delay as possible should take place.
7	Earl Cowley....	Nov. 8, “	Note from M. de Moustier. Trial will take place on 26th of November.
8	To Earl Cowley..	“ 10, “	Instructions as to course to be taken with a view to obtain the liberation of M. Lamirande.
9	Earl Cowley....	“ 13, “	Reports having carried out instructions. Conversation with M. de Moustier.
10	To Earl Cowley..	“ 15, “	Approving language to M. de Moustier. Suggestion for settling the question.
11	Do .....	“ 15, “	Not to claim surrender of M. Lamirande as of right.
12	Do .....	“ 15, “	Statement of crime with which M. Lamirande is charged.
13	Do .....	“ 16, “	Law Officer's opinion of the language held by M. de Moustier.
14	Do .....	“ 16, “	Legal definition of the crime of forgery.
15	Do .....	“ 19, “	Charge made against Lamirande does not bring him within the accusation of forgery.
16	Earl Cowley.....	“ 20, “	Reports execution of instructions. Copy of memorandum submitted to French Government. Interview with M. de Moustier.
17	Do .....	“ 23, “	Trial fixed for 3rd December. Precise nature of charge against Lamirande.
18	To Earl Cowley..	“ 28, “	To employ competent person to watch the trial.
19	Earl Cowley....	Dec. 2, “	M. Treite instructed to attend trial.
20	To Earl Cowley..	“ 4, “	Approving language. Satisfaction that result of trial will not bar the surrender of Lamirande.
21	Earl Cowley.....	“ 6, “	Lamirande found guilty of forgery. Return of M. Treite who will furnish report.
22	To Earl Cowley..	“ 7, “	Reported surrender to Swiss Government, by France, of criminal whose extradition had been improperly obtained. To inquire into truth of statement.
23	Earl Cowley....	“ 11, “	Letter from M. Treite, with “compté-rendu” of trial. Précis of case.
24	Do .....	“ 13, “	As to reported case of surrender of Criminal to Swiss Government. Letter from M. Treite, who can find no trace of such case. Considers that it refers to a case which took place in 1840.
25	Do .....	“ 19, “	Conversation with M. de Moustier. French Government ready to consider claim of British Government for infraction of Extradition Treaty, if put forward officially.
26	To Admiral Harris	“ 20, “	As to alleged case of return to Switzerland of person improperly surrendered to France. To report particulars of case.

CORRESPONDENCE RESPECTING THE EXTRADITION OF M.  
LAMIRANDE FROM CANADA.

TABLE OF CONTENTS.—*Continued.*

No.	—	Date.	SUBJECT.
27	Admiral Harris..	“ 28, “	Report as to above case.
28	To Mr. Fane.....	Jan. 9, 1867.	Recapitulating state of the case, and instructing him to recommend that M. Lamirande should be set at liberty.
29	Mr. Fane.....	“ 11, “	Inclosing M. Treite's Report on the Franco-Swiss extradition case.
30	To Mr. Fane.....	“ 12, “	Grounds on which Her Majesty's Government regret the surrender of M. Lamirande.
31	Mr. Fane.....	“ 13, “	Conversation with M. de Moustier. French Government would consider a formal demand. Incloses a copy of further note which he proposes to address to M. de Moustier.
32	To Mr. Fane.....	“ 14, “	Approving note to M. de Moustier.
33	Mr. Fane.....	Jan. 14, 1867.	Has sent note to M. de Moustier. Requests that the date may be the 14th of January.
34	Do .....	“ 15, “	Copy of note from M. Treite relative to the date of Lamirande's appeal.
35	Mr. Mackenzie...	“ 29, “	Extract of letter from Mr. Doutre, of Montreal, relative to charges on which Lamirande has been tried. Request to be informed how the matter stands.
36	To Mr. Kackenzie.	“ 31, “	Answer to the above. The case is under consideration. Cannot give a detailed reply.
37	Mr. Fane.....	Feb. 1, “	Inclosing copy of article from the <i>Gazette des Tribunaux</i> on the case of Lamirande.
38	Mr. Fane.....	“ 25, “	Inclosing copies of letters from M. Lamirande, and from his father and mother, to Lord Cowley, begging that all further action in the case, on the part of Her Majesty's Government, may cease.
39	Do.....	Mar. 3, “	Inclosing copy of a despatch from M. de Moustier in reply to the application made on the part of Her Majesty's Government for the surrender of M. Lamirande.
40	To Lord Cowley..	“ 20, “	Her Majesty's Government no longer insist on application for M. Lamirande's release, but cannot acquiesce in the doctrine and principles on which the French Government justify their refusal.

(No. 1.)

*Earl Cowley to Lord Stanley.*

PARIS, September 14th, 1866.

MY LORD,—Maitre Lachaud, one of the most eminent members of the French Bar, has addressed me a letter, of which I have the honor to enclose a copy, transmitting a letter from a Frenchman named Lamirande, who appears to have been given up by the Government of Canada to the French Government, under the Extradition Treaty of 1843. As Lamirande requests that his letter may be laid before Her Majesty's Government, I enclose it herewith.

I have, &c.,  
(Signed,) COWLEY.

(Inclosure 1 in No. 1.)

*M. Lachaud to Earl Cowley.*

(Translation.)

PARIS, September 12, 1866.

MY LORD,—I have the honor to transmit to Your Excellency a letter which M. Lamirande, formerly Cashier of the Bank of France at Poitiers, has sent to me for communication to you.

I have not seen Lamirande, and I can therefore add nothing to the protests which he raises; but if the facts advanced by him are true, they have an importance which will doubtless strike Your Excellency, and I confine myself by drawing your kind attention to this letter.

I am, &c.,  
(Signed,) A. LACHAUD,  
Avocat de la Cour Impériale.

(Inclosure 2 in No. 1.)

*M. Lamirande to Earl Cowley.*

PRISON OF THE POLICE PREFECTURE,

(Translation.)

PARIS, September 11, 1866.

EXCELLENCY,—I have been carried off from the Prison at Montreal, where I had been committed on an unjust sentence to await my extradition, under such circumstances that in making them known to your Government I think it will perceive therein a violation of the English Law, and of the Treaty of Extradition between France and England, and that it will be able to authorize you to reclaim me from the Emperor's Government.

The sentence which had committed me for the purpose of extradition was appealed against, and the case, already brought on and argued before a Judge of higher rank than the first one, was to be concluded the next day at 11 o'clock in the morning by the decision of this Magistrate when the following facts occurred:

At 11 o'clock at night, after having been present at the pretended departure of the Montreal train for Quebec, the Magistrate in question came to assure himself that I was safe in prison. Between one and two o'clock in the morning, I received an order from the Governor of the Prison to get up and depart. The French Police Officer, who was sent in pursuit of me, took possession of me, with the assistance of several other persons, by force, and without being able to shew me the order by virtue of which they were carrying me off. I was placed in a carriage and taken to a station of the Montreal and Quebec Railway (I think the St. Charles Station), and not to the Montreal terminus. For making a false start, in order to deceive the public and my counsel, as well as the Judge who was to deliver judgment the following morning at 11 o'clock, and the authorities themselves, the train was started at its usual time, 10 o'clock, and was stopped for three or four hours at the above mentioned-station. I was shut up in custody of three men in a compartment reserved for the use of the servants of the company. I saw Mr. Spilthorn, one of my New York counsel, pass by, probably the only person who had succeeded in discovering my abduction. I wished to speak to him. I was prevented by force. On arriving at Quebec I was put on board the "Damascus," the departure of which had been delayed, and where the counsel of whom I have just spoken, asked by virtue of what order I was thus

carried off, the persons who surrounded me replied, that they had no explanation to give him, that they were executing their orders, and had no papers to show. He retired, protesting against this incredible abuse of power.

On arriving at Liverpool where there was no Magistrate competent to take cognizance of my case, I was taken to London, where I was told such a Magistrate would be found. There I was taken by night to an hotel, situated in a street the name of which I do not know, nor yet that of the hotel. Three persons came there; I was told they were lawyers engaged by a despatch from Mr. Doure, my counsel at Montreal. After a conversation, at which I was not present, between these gentlemen and a Canadian who accompanied me from Montreal with the French Police Officer, these three gentlemen retired without my being able to hold any communication with them.

At 6 o'clock in the morning I was taken from the hotel and conducted by railway to Dover, from which place I was embarked for France.

When I tell Your Excellency that the sentence of the first Judge makes me answerable for the crime of forgery, which I do not consider I have committed, either according to French or English laws; that in the proceedings taken against me at New York this count in the indictment was even abandoned; that the Crown Counsel at Montreal himself acknowledged that I had not committed this crime; that besides I do not at all demand to be given up to England to be set at liberty there, but only in order that the proceedings interrupted by force at Montreal may go on, or that I am ready, if it is preferred, to submit the case to the High Court of England, or it matters not to what other jurisdiction. It appears to me that the Queen's Government may be impressed by these weighty reasons, and may request you to reclaim me from the Government of the Emperor.

I beg Your Excellency to be pleased to transmit my letter to the English Government, and to acknowledge its receipt.

I have, &c,

(Signed,)

E. S. LAMIRANDE,

P.S.—The document which those persons who carried me off did not possess, was, I think, that which is required by the Treaty, in virtue of which I could have been legally arrested in France on the charge of the crime for which my extradition was demanded.

I have just now heard that I am about to be transferred to the Poitiers Prison (Department of Vienne), where I beg your Excellency to acquaint me with the result of my complaints. My name and surnames are Sureau Lamirande, Charles Constant Ernest.

(No. 2.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, September 26, 1866.

MY LORD,—I have referred to Her Majesty's Secretary of State for the Colonial Department, Your Excellency's despatch of the 14th instant, together with the letter therein enclosed from M. E. S. Lamirande, protesting against his arrest and surrender to the French police authorities at Montreal, as being unwarranted by the terms of the Extradition Convention between this country and France.

I learn from the Colonial Office, in reply, that they are not as yet in possession of any official report from Canada of the facts of this case, and that the Governor General of that Province has accordingly been requested to send home a complete report upon it.

As, however, the circumstances attending Lamirande's Extradition, if correctly stated in his protest to Your Excellency, afford ground for questioning the legality of his extradition, I have to instruct Your Excellency to address a representation to the French Government on this subject, with the view of delaying any further judicial proceedings against the prisoner until Her Majesty's Government are in possession of more authentic information.

I am, &c.,

(Signed,)

STANLEY.

(No. 3.)

*Earl Cowley to Lord Stanley (Received September 28).*

PARIS, September 27, 1866.

MY LORD,—I have had the honor to receive Your Lordship's despatch of yesterday's date, on the subject of the arrest and extradition from Canada of M. E. S. Lamirande, under the provisions of the Treaty of 1843, and I enclose a copy of the note which I have addressed to M. de Lavalette in consequence of Your Lordship's instructions.

I have, &amp;c.,

(Signed,)

COWLEY.

(Inclosure in No. 3.)

*Earl Cowley to M. de Lavalette.*

(Extract.)

PARIS, September 27, 1866.

About a fortnight ago I received a letter from M. E. S. Lamirande, who has lately been brought from Canada, under the provisions of the Extradition Treaty of 1843, protesting against his arrest and surrender to the French police authorities at Montreal, as being unwarranted by the terms of the said Treaty, and requesting me to bring his protest to the notice of Her Majesty's Government.

Although no official information on this subject has as yet reached Her Majesty's Government there is grave reason to doubt the legality of Lamirande's extradition, and I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to request Your Excellency to move the proper authority to delay further proceedings against Lamirande until Her Majesty's Government shall be in possession of more authentic information on which to found a further communication to Your Excellency.

(No. 4.)

*Earl Cowley to Lord Stanley (Received, September 28.)*

PARIS, September 27, 1866.

MY LORD,—I beg leave to call your Lordship's attention to the enclosed extract from yesterday's evening edition of the "Moniteur," respecting the arrest and extradition of Lamirande, whose case was brought before your Lordship in my despatch of the 14th instant.

I have, &amp;c.,

(Signed,)

COWLEY.

Inclosure in No. 4.

*Extract from the "Moniteur" of September 26, 1866.*

(Translation.)

The newspapers of Canada have begun a somewhat lively discussion respecting the extradition of a fraudulent cashier of the Bank of France, who had escaped to that country. It is well known that all the forms prescribed by law have been observed in this matter. After an inquiry and decision by a competent Judge, the order to surrender the prisoner was regularly issued by the Governor General of the British Provinces. The excitement produced about this case, and which attaches to points of procedure raised inopportunistically by the prisoner's lawyers, would appear to originate in a chain of considerations foreign to the question itself.

The essential points of the case have been stated with authority in a letter addressed to the principal papers in Canada, by the lawyer who represented the British Crown before the tribunal of Montreal.

(No. 5.)

*Earl Cowley to Lord Stanley (Received, October 10.)*

PARIS, October 9, 1866.

MY LORD,—I have the honor to transmit, herewith, copy of a note which I have received from M. de Moustier on the subject of the extradition from Canada of M. E. S.

Lamirande, in reply to the one which I addressed on the 27th ultimo, to M. de Lavalette a copy of which was inclosed in my despatch of the same date.

M. de Moustier states that the case has been carefully examined by the Minister of Justice, who considers that there exists no irregularity which could invalidate the extradition of Lamirande, and that it would therefore be desirable that Her Majesty's Government should, before coming to any decision upon the subject, communicate to the French Government the facts complained of.

M. Baroche adds, further, that the trial of Lamirande must take place in due course, but that no measure has been taken to hasten it.

I have, &c.,  
(Signed,)

COWLEY.

(Inclosure in No. 5.)

*M. de Moustier to Earl Cowley.*

(Translation.)

PARIS, October 8, 1866.

M. L'AMBASSADEUR,—Your Excellency, in pronouncing, on the 27th of September last, to the Marquis de Lavalette, that one Lamirande protested against his extradition from Canada, requested that the proceedings instituted against the accused might be delayed until the Government of Her Majesty were in possession of such information as would enable them to address a further communication to the Government of the Emperor.

The Minister of Justice, to whom the Marquis de Lavalette hastened to communicate the wish expressed by your Excellency, has carefully examined the different bearings of the case, and does not think that there is any irregularity of a nature to invalidate the extradition of the accused.

In this state of things it would be desirable that the Government of Her Britannic Majesty should, before coming to any decision, communicate to us the alleged grievances which, upon frank explanations, will doubtless disappear. M. Baroche, adds, however, that no step has been taken to hasten Lamirande's trial. But Your Excellency knows too well that it is the duty of the judicial authority to conform to the rules which are laid down for its observance, without any arbitrary modification thereof, not to understand that the time is drawing near when it will become necessary to allow the law to take its course.

I likewise call to Your Excellency's attention what an anomalous course to be able to defer to bring again in question proceedings of which the result could the less be contested, as they relate to a man who lies under a charge so public that it is in some measure a case *flagrante delicto*.

Accept, &c.,  
(Signed,)

MOUSTIER.

(No. 6.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, October 25, 1866.

My LORD,—Her Majesty's Government are desirous of knowing, as soon as possible, whether the French Government propose that Lamirande should be brought to trial, and when.

Lord Carnarvon has not received from Lord Monk the particulars of the case, which he has been called upon to supply; and it is, therefore, only upon very meagre information that I am able to consult the Law Officers as to the propriety of making any formal communication to the French Government.

It is under these circumstances very desirable that as much delay as possible should take place in bringing the case on for trial.

I am, &c.,  
(Signed,)

STANLEY.

(No. 7.)

*Earl Cowley to Lord Stanley, (Received November 9).*

PARIS, November 8, 1866.

MY LORD,—With reference to Your Lordship's despatch to me, of the 25th ultimo., and to my telegram of 2.25 A. M. yesterday morning, relative to the date to be fixed for the trial of Lamirande, I have the honor to enclose herewith copy of a note which I have received from M. de Moustier, in which His Excellency informs me that the Assizes, at which his trial will take place, commence upon the 26th of this month.

I have, &amp;c.,

(Signed,)

COWLEY.

(Inclosure in No. 7.)

*M. de Moustier to Earl Cowley.*

(Translation.)

PARIS, November 6, 1866.

M. L'AMBASSADEUR,—In your letter of the 28th of October last, Your Excellency expressed to me a wish of Her Majesty's Government to be informed of the date when the trial of Lamirande was to take place.

The Minister of Justice acquaints me that the Session of the Vienne Assizes, before which the case of the accused is to be brought, will open on the 26th of this month.

Accept, &amp;c.,

(Signed,)

MOUSTIER.

(No. 8.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, November 10, 1866.

MY LORD,—It has not been in my power before to-day to furnish Your Excellency with instructions respecting the case of M. Lamirande's forcible extradition from Canada. The papers successively received from the Colonial Office on the subject are so voluminous that even now the Law Officers of the Crown, to whom they have necessarily been referred, have not been able to consider them so fully as to admit of their forming a decided opinion on the conduct of the Colonial authorities in the transaction.

But, as regards the question as it affects M. Lamirande personally, I am advised that although Her Majesty's Government could not demand, or claim as of right, that he should be remitted to Canada in order that the question of his liability to extradition might be there legally decided, yet the circumstances of the case are so peculiar that Her Majesty's Government may fairly make a friendly representation to the French Government on his behalf.

I have accordingly to instruct Your Excellency to say to M. de Moustier, that Her Majesty's Government have ascertained that the warrant for M. Lamirande's extradition was issued by the Governor General of Canada in ignorance that the prisoner had applied to the proper tribunal to order his discharge, on the ground that the case was not within the provisions of the Treaty. It appears, that while this point was actually under discussion before the Judge, who adjourned the case to the following morning, the warrant was obtained from the Governor General, who was wholly uninformed of these facts and who would not have issued the warrant if he had been aware of them.

Your Excellency will further say that, in the opinion of the Judge before whom the matter was pending, the case did not come within the provisions of the Treaty, and that the prisoner ought not to be delivered up; and, moreover, that the prisoner was carried away under the warrant of the Governor General notwithstanding the personal protest of the Judge. Her Majesty's Government are advised that there is good reason to believe that the opinion of the Judge was well-founded in Law, and that the prisoner ought not to have been surrendered.

Your Excellency, while carefully abstaining from making any claim or demand as of



right; will say that, under these circumstances, Her Majesty's Government hope that the French Government will consent to the prisoner being replaced in that position from which he was improperly removed.

I am, &c.,  
(Signed,)

STANLEY.

(No. 9.)

*Earl Cowley to Lord Stanley (Received November 14.)*

PARIS, November 13, 1866.

(Extract.)

I saw M. de Moustier yesterday afternoon, on the subject of Your Lordship's despatch of the 10th instant, relating to the case of Lamirande.

While carefully abstaining, in pursuance of Your Lordship's instructions, from making any demand or claim, as of right, that Lamirande should be remitted to Canada, I also avoided committing Her Majesty's Government to the expression of any opinion that such right did not exist; because should the French Government be found willing to meet the wishes of Her Majesty's Government by the surrender of Lamirande, it might become necessary, in order to justify that surrender, that some claim, as of right should be put forward by Her Majesty's Government.

I confined myself, therefore, to stating to M. de Moustier the circumstances attending Lamirande's arrest and extradition, and the doubts which prevailed in the mind of Her Majesty's Government of the legality of those proceedings; and I asked whether the French Government would not be disposed to meet the wishes of Her Majesty's Government, which I was desired to express, that Lamirande in consequence of these doubts, should be replaced in the position from which he had been improperly removed.

M. de Moustier did not give me much encouragement to hope that my appeal would be favorably listened to. His Excellency said that he did not see, Lamirande being now in the hands of justice, by what process he could be delivered from them except by a trial.

His Excellency added that, although no blame could in any way attach to the French Government in these transactions, he was personally most anxious to meet the wishes of Her Majesty's Government. He might add that such was also the Emperor's desire. But he must confess he did not see his way to it. If, however, I would give him a written statement of the position of Her Majesty's Government in this matter, he would see the Minister of Justice upon the subject, and bring it before the Council of Ministers at its next meeting. He would also cause enquiries to be made whether any similar case had ever occurred before, that is, whether any Government with which France had an Extradition Treaty, had ever recovered an individual surrendered illegally, and if so, what had been the course followed.

I gave M. de Moustier a statement compiled from the third and fourth paragraphs of Your Lordship's despatch alluded to above.

(No. 10.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, November 15, 1866.

MY LORD,—I have received your despatch of the 13th instant, reporting a conversation with M. de Moustier, respecting the case of M. Lamirande, and I have to acquaint you that Her Majesty's Government entirely approve the language which you held on that occasion.

It appears from what M. de Moustier said to Your Excellency, that the French Government are not disposed to replace M. Lamirande in the same position in which he was before he was made over to the French Police Officer in Canada; doubting, on the one hand, their power to do so; as the law stands, and hesitating, on the other, as to the effect which their being so might have on public opinion in France.

The case is, indeed, beset with difficulty. It is quite clear, at least in the opinion of the Judge in Canada, before whom the case was pending, and which is adopted and confirmed by the Law Officers of the Crown in England, who have now had the opportunity

of examining all the documents connected with the transaction, that the charge on which M. Lamirande was given up did not come within the provisions of the Treaty, and that he therefore ought not to have been surrendered.

The French Government appear to hold that, having got the prisoner into their possession, certainly, as they say, without any blame attaching to them in regard to the manner in which they did so, they cannot let him go without a trial. But your Excellency may point out to M. de Moustier, that however free from blame the French Government itself may be, the French authority in Canada, who set the matter in motion can hardly stand acquitted of having done so without warrant, and, in fact, in excess of the Treaty engagements between England and France. For the stipulation of the 1st Article of the Treaty of 1843, expressly provides, that requisitions for extradition shall be made through the medium of a Diplomatic Agent, which a Consul is not, and therefore the application of the French Consul to the Governor General in Canada, was one wholly unauthorized by treaty, should never have been made by the Consul, and should never have been listened to by the Governor General.

Lord Monck, apparently not adverting to the special terms of the French Treaty, and being doubtless anxious to meet the requisition of the French Consul, authorized the apprehension of M. Lamirande; but His Excellency may probably have been led to accede to the requisition of the French Consul without strictly scrutinizing the authority under which it was made, by imagining that the terms of the treaty between England and France on this point were identical with those of the treaty between England and the United States, with which, from the proximity of the two countries, he was more familiar.

But the two treaties are widely different in this respect. The former expressly requires the intervention of a "Diplomatic Agent," the latter stipulates in more general terms that the requisitions of extradition may be made by the "Ministers, Officers, or authorities" of the contracting parties.

Accordingly, the French Government may fairly be asked, in dealing with this question, as regards M. Lamirande, to consider that their own Consul has been party to the error which in its results has placed that party in the hands of French justice.

Her Majesty's Government, however, would not think it right, while requesting the French Government to redress the wrong which from mutual misapprehension of their respective authorities has unquestionably been done to M. Lamirande, to conceal from them what, however, they doubtless must be fully aware of, that the effect of the prisoner being remitted to Canada would most likely be that he would obtain his release, and the same result would probably attend an application to the Courts of England in the event of his being brought to this country on his way to Canada, inasmuch as a writ of *habeas corpus* might be obtained from the Courts or from a Judge in England, with a view to his discharge from custody.

It would seem, therefore, superfluous to attempt to send him to Canada, which could hardly be effected without his passing through this country.

The circumstances of the case, however, are so peculiar that it is well deserving of the attention of the French Government whether the difficulties with which it was surrounded may not be indirectly obviated.

The French Government may not be disposed to send the prisoner back to Canada with the certainty of his being set free, not by any act of grace on their part exercised there, but by the ordinary process of law. They might be as little disposed to send him to this country, and then apply in the usual manner through the French Embassy for his extradition, with the knowledge that the legal authorities here consider the case not to come within the provisions of the Extradition Treaty. But it may be possible for the French Government, by their own action, to place the prisoner practically in the same position in which he would have stood if the legal proceedings in Canada had not been so strangely interrupted. In that case M. Lamirande would indeed have been set free, but he would not have been acquitted of the crime laid to his charge. He must have remained an exile from his country, and the French Government will probably not contend that such would be no real punishment, although it would not be the precise punishment which the law would have awarded to him if he had been tried in France.

Could not the French Government, looking to all the circumstances of the case, waive a formal trial on the condition that M. Lamirande forthwith quits France never to return,

leaving the prosecution to stand over as a guarantee for his observance of the conditions, or for his submitting to a trial if he disregarded it?

It appears to Her Majesty's Government that by some course of this kind the French Government might set at rest the question between the two Governments arising out of the case; and Your Excellency will accordingly suggest it for their consideration. The ends of justice, so far as the punishment of the criminal is concerned (supposing him to be such), would at all events be partially satisfied by its adoption; while the error, for so it must be considered both of the British Colonial authorities and of the French Consular authority would have been redressed, and the position of the prisoner left as it would have been if no such error had been committed.

I am, &c.,  
(Signed,) STANLEY.

(No. 11.)

*Lord Stanley to Earl Cowley.*

(Extract.)

FOREIGN OFFICE, November 15, 1866.

With reference to my despatch of the 10th instant, to your despatch of the 13th, and to my despatch of this day, and also my despatch of the 13th instant and to your telegram and my reply of yesterday, I have to state to Your Excellency that Her Majesty's Government approve of your having refrained, in conversation with M. de Moustier, from disclaiming any right to demand the surrender of M. Lamirande; but the opinion of the Law Officers of the Crown is so decided on that point that I must again caution you, without further instructions, not to advance any such claim.

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, November 15, 1866.

MY LORD,—I should have wished to furnish Your Excellency with a copy of the "*Mandat d' Arrêt*" on which the extradition of M. Lamirande was demanded by the French Consul General in Canada, but as the document does not appear to have been sent home by the Governor General, it is probable that it was returned to the Consul General according to his request, stated in the enclosed copy of his letter to the Provincial Secretary.

The crime, however, with which M. Lamirande stood charged, is described by the Consul General in the same letter in the following terms:—

"*Lequel, (Ernest Sureau Lamirande) s'est rendu coupable non seulement d'un vol de 700,000 francs au préjudice de cette succursale de la Banque de France à Poitiers, mais aussi du crime de faux en écriture en falsifiant ses livres et son bordereau de situation, et faisant ainsi figurer comme présente dans la caisse la somme volée de 700,000 francs, crime prévu par les dispositions du Traité d'Extradition conclu entre la France et l'Angleterre en Février 1843, dont je transcris ici une partie.*"

To the same effect, Melin, the French police officer charged with the execution of the warrant, deposes, on the 18th of July:—

"*Que de plus le dit Charles Sureau de Lamirande dit Lamirande, a falsifié frauduleusement les livres de comptabilité de la dite succursale de la dite Banque de France à Poitiers, Haute-Vienne susdit, en y faisant figurer comme présente dans la caisse de la banque cette somme de 700,000 francs susdits qu'il s'était appropriée, et qu'il s'est aussi rendu coupable d'un faux en chargeant et falsifiant son bordereau de situation, et qu'ainsi il tombe sous les dispositions du Traité existant entre l'Angleterre et la France pour l'extradition des criminels.*"

I am, &c.,  
(Signed,) STANLEY.

(Inclosure in No. 12.)

*M. Gauthier to Mr. McDougall.*

(Translation.)

QUEBEC, July 18, 1866.

SIR,—I have the honor to enclose to you, herewith, an affidavit made before Judge

Taschereau, of the Superior Court of Quebec, by Edme Justin Melin, Chief Inspector of Police at Paris, with the object of obtaining the arrest and subsequent extradition of one Ernest Sureau Lamirande, Cashier of the Branch of the Bank of France at Poitiers, in the Department of Haute Vienne in the French Empire, who has been guilty not only of a robbery of 700,000 francs, to the loss of that Branch of the Bank of France at Poitiers, but also of the crime of forgery, in having falsified his books and his bank return, and in having thus represented the stolen sum of 700,000 francs as still included in his cash, a crime within the purview of the stipulations of the Extradition Treaty concluded between France and England in February, 1843, from which I here transcribe an extract:—

“By a Convention between Her Majesty the Queen of Great Britain and Ireland, and the then Sovereign of France, signed at London on the 13th February, 1843, the ratifications whereof were exchanged at London on the 13th day of March in the same year, it was agreed that the high contracting parties should, on requisition made in their name through the medium of their respective agents, deliver up to justice persons who being accused of the crimes of murder, forgery or fraudulent bankruptcy, committed within the jurisdiction of the requiring party, should seek an asylum or should be found within the territories of the other.

“In order to carry the Convention into effect, the British Parliament, on the 22nd August, 1843, passed the Act, 6 and 7 Vic., Cap. 75, in which, after reciting the Convention, it is enacted that in case requisition be made pursuant to the Convention to deliver up to justice any person who being accused of having committed, after the ratification of the Convention, any of the above crimes within the territories and jurisdiction of His Majesty the Emperor of the French, shall be found within the dominions of Her Majesty, it shall be lawful for one of Her Majesty’s Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty’s Colonies or Possessions abroad, for the officer administering the Government of any such Colony or Possession, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the persons so accused, and committing such persons to gaol for the purpose of being delivered up to justice according to the provisions of the said Convention.

“It shall be lawful for one of Her Majesty’s Principal Secretaries of State, or in Ireland for the Chief Secretary of the Lord Lieutenant of Ireland, and in any of Her Majesty’s Colonies or Possessions abroad for the officer administering the Government of any such Colony or Possession, by warrant, to deliver up offenders to the Authorities of France.”

I therefore take the liberty, Mr. Secretary, to beg that you will be so good as to request His Excellency the Governor General, in virtue of the powers conferred on him by the above mentioned Convention, to issue the necessary warrant for the arrest and subsequent extradition of the above mentioned Ernest Sureau Lamirande.

I shall be obliged by your sending me the warrant as soon as possible.

I think it well to enclose herewith the warrant issued by the Civil Tribunal at Poitiers and duly legalized by Her Britannic Majesty’s Consul at Paris. Be good enough, I beg, to return me this document, together with the Governor General’s warrant.

I avail, &c.,

(Signed,)

FRED. GAUTHIER,  
French Consul General.

(No. 13.)

Lord Stanley to Earl Cowley.

FOREIGN OFFICE, November 16, 1866.

MY LORD,—I thought it desirable that the Law Officers should be apprised of the language held to you by M. de Moustier in the Lamirande case, as reported in your despatch of the 13th instant; and I have now to acquaint Your Excellency that the Law Officers consider that it is impossible to deny the force of M. Moustier’s reasoning.

It must indeed be admitted that if the situation were reversed, and the restoration of a French subject, given up under the Extradition Treaty, about to undergo trial before an English Tribunal, were demanded or requested by the French of the English Govern-

ment, the latter would be constrained to reply that the Executive Government had no power to remove a prisoner from the judicial authority to which he had been submitted, or in any way to stop the course of justice with respect to him, by whatever error on the part of the French Government he might originally have been placed within the jurisdiction of the Court.

Her Majesty's Government, looking at the question in this light, could not consider the refusal of the French Government to give up Lamirande as affording any ground whatever of offence to this country.

Your Excellency will understand that I make this communication for your private information only.

I am, &c.,

(Signed,)

STANLEY.

(No. 14.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, November 16, 1866.

MY LORD,—Thinking it desirable that Your Excellency should be informed as to what is considered in this country a legal definition of the crime of forgery, I have asked the Law Officers to supply me with it, and also to state the bearing of that definition on the words as used in the Extradition Treaty with France, and on the statements of the French Consul General in Canada and of the French Police Officer Melin, of which I sent you copies in my despatch of yesterday, setting forth the crimes of which Lamirande was accused.

I have now to acquaint Your Excellency that I am advised that forgery, by the common law of England, may be defined to be the fraudulently counterfeiting any written document in whole or in part, or altering or adding to it, or making it falsely to appear to be the genuine writing or instrument of some other person, with intent to defraud or prejudice another; and that by one of the Statutes for consolidating the Criminal Law, namely, the 24th and 25th Vic., Cap 98, a variety of cognate acts are defined and classed under the general head of forgery; and by various special statutes the counterfeiting or falsification of various public acts and other documents is also declared to be forgery.

The term "forgery" in the statute for giving effect to the Extradition Treaty with France would, I am advised, include all the above cases.

But a mere false statement in writing, which does not purport to be the writing of another person, is not forgery; for instance, if a man fraudulently signs the name A. B., without authority to a bill of exchange it is forgery, but if he fraudulently signs the bill in his own name, "per procuration of A. B.," having no authority, it is only a false statement and a fraud, but not a forgery. So, if a person makes a false entry in a banker's pass-book, as if it were, and purporting to be the banker's entry, with a view to defraud, it is forgery; but if he makes a false entry in his own book, and purporting to be his own entry with the like intent, it is a fraud, but is not a forgery.

According to the opinion of the Court of Queen's Bench, a forgery, to come within the French Extradition Treaty and Statute, must be what would be considered forgery according to the law of England as well as of France; but I am informed that this opinion is rather questionable.

But as regards the question now at issue; it would appear that the statements made in the letter of the French Consul General and in the deposition of the French police officer, that Lamirande was not charged with or guilty of forgery, or counterfeiting the entry of any other person; but that he was charged with embezzlement and with making fraudulent and false entries in his own books, which would not be forgery according to the law of England, within the meaning of the Extradition Statute.

I am, &c.,

(Signed,)

STANLEY.

(No. 15.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, November 15, 1866.

MY LORD.—I have thought it desirable to obtain the opinion of the Law Officers on

the question whether the charge made against Lamirande by the French Consul General in Canada, being that of falsifying the books and *bordereau*, if these books are the ledgers of the Bank of France intrusted to his keeping and not M. Lamirande's private accounts, would that bring him within the accusation of forgery, and I have to state to Your Excellency that I am informed that this would not be forgery according to the laws of England.

I am, &c.,

(Signed,)

STANLEY.

(No. 16.)

*Earl Cowley to Lord Stanley (Received, November 21).*

PARIS, November 20, 1866.

MY LORD,—I had the honor to receive on the 16th instant your Lordship's despatches of the previous day, and on the 18th instant your despatches of the 16th, all relating to the case of Lamirande.

In execution of your Lordship's several instructions, I wrote a letter to M. deMoustier on the 18th, inclosing a memorandum of the points on which exception could, in the opinion of Her Majesty's Government, be taken with reference to the legality of Lamirande's arrest, and I told His Excellency that I was ready to wait upon him to discuss these matters with him whenever it would suit him to receive me.

A copy of this memorandum is enclosed for your Lordship's information.

His Excellency appointed this afternoon to see me, and I give your Lordship the result of our interview.

M. deMoustier said, that since we had last met he had examined thoroughly with the Minister of Justice the question of the possibility of surrendering Lamirande, now that he was in the hands of justice, and that he could authorize me to inform Her Majesty's Government that it had been decided that, inasmuch as Lamirande had been placed in his present position by the administrative act of the Minister for Foreign Affairs, that Minister could recover him from the hands of justice, provided that he was satisfied of the right of Her Majesty's Government to claim his surrender, and that this recovery might be made now or even after Lamirande's trial, and, if found guilty, after his conviction.

The question then, which he had to consider, was, how far Her Majesty's Government had right on their side, and for this purpose he must decide on the two points raised in my memorandum, and he really had not had sufficient time to examine them; there certainly would not be time to discuss them thoroughly with Her Majesty's Government before the day fixed for Lamirande's trial, the trial, therefore, must proceed. In the meantime the discussion between the two Governments might go on, and he could assure me most positively that he had no other wish than to examine with the utmost impartiality all the bearings of the case, and should Her Majesty's Government satisfy him that the provisions of the treaty of 1843 had not been complied with, no difficulty whatever would be made in surrendering Lamirande, even should he have been convicted in the meantime.

Referring again to the points raised in my memorandum, M. de Moustier observed that as at present advised, he must take exception to the doctrine contained in the first point, that the French Consul General in Canada was not competent to make the demand for Lamirande's extradition. If this were the case, His Excellency said, if this doctrine were to hold good, the treaty would become inoperative in all Her Majesty's Colonies. Moreover, according to French custom, consular agents holding under no diplomatic authority, as was the case in Her Majesty's colonies, were always considered to possess the diplomatic character necessary to enable them to exercise such diplomatic functions as the welfare of French subjects required.

As to the other question whether the crime of which Lamirande was accused amounted to forgery or not, he really was not in a position at this moment to discuss it with me. If he was to trust to those who were more conversant with the subject, he must suppose that there was good reason to believe that it would be shown that Lamirande's acts amounted to forgery according to British law.

I replied that Her Majesty's Government would receive with great satisfaction the assurance which M. de Moustier had given me of his desire to examine this matter with

impartiality, and to surrender Lamirande should it be seen that his extradition has been irregularly obtained. I needed hardly to assure him, on the part of Her Majesty's Government, that there was no desire to shield a man accused as was Lamirande; but they were guardians of a Treaty which had been sanctioned by Parliament, and were bound to bring any infractions of it to the notice of the French Government. As yet I had been instructed to do no more. The communication which had passed between the two Governments might be considered to have amounted to an exchange of opinions only, and I would lose no time in informing Your Lordship of the intentions of the Imperial Government, and of asking for further instructions.

M. de Moustier rejoined that such was the light in which he wished the discussion should be continued, and that it should not be made a question between Government and Government.

I then said that with regard to Lamirande's trial Her Majesty's Government had hoped that it might have been dispensed with, and that Lamirande might, perhaps, have been set at liberty without being formally surrendered to the British Government, under the condition of quitting France forever. M. de Moustier replied that such a course would be impossible; the trial could not be avoided. He was moreover, of opinion that the facts which must be elicited at the trial, and which were now imperfectly known, would throw light upon the whole subject, and would enable the two Governments to mature their judgments.

It seemed to me that, under the instructions which I have received from Your Lordship, I could not with propriety press the matter further, and I let it drop.

I have, &c.,

(Signed,)

COWLEY.

(Inclosure in No. 16.)

(Memorandum.)

Her Majesty's Government are desirous of submitting the following observations for the consideration of the Imperial Government:—

Her Majesty's Government, while freely admitting that no responsibility attaches to the Imperial Government in the proceedings which have led to the present dilemma cannot but hold the opinion that the French authority in Canada, who set the matter in motion, can hardly stand acquitted of having done so without warrant, and, in fact, in excess of the Treaty engagements between England and France.

For the stipulation of the 1st Article of the Treaty of 1843 expressly provides, that requisitions for extradition shall be made through the medium of a Diplomatic Agent— which a Consul is not—and therefore the application of the French Consul General at Quebec to the Governor General in Canada was one wholly unauthorized by treaty, and should never have been made by the Consul General.

No doubt the application of the Consul General should never have been listened to by the Governor General of Canada, and Her Majesty's Government do not seek to exonerate the Canadian Authorities from the responsibility which belongs to them; but Her Majesty's Government submit that the Imperial Government may fairly be asked, in dealing with this question, to consider that their own Consul General has been party to the error which, in its results, have brought Lamirande within the jurisdiction of the French Tribunals.

Again, the crime of which Lamirande is accused is thus described in the letter of the Consul General to the Provincial Secretary at Quebec: "*Lequel*" (speaking of Lamirande) "*s'est rendu coupable non seulement d'un vol de 700,000 francs au préjudice de la succursale de la Banque de France à Poitiers, mais aussi du crime de faux en écriture en falsifiant ses livres et son bordereau de situation, et faisant ainsi figurer comme présente dans sa caisse la somme volée de 700,000 francs, crime prévu par les dispositions du Traité d'Extradition conclu entre la France et l'Angleterre, en Février, 1843.*"

It would appear then, by this letter, that the offence by which Lamirande is charged is one of embezzement, and making false entries in his books, and it is supposed that the Consul General assumes that these offences come within the legal meaning of the term "forgery," the only crime mentioned in the Treaty of 1843, at all applicable to the present case.

It may be as well to state here the definition of "forgery," according to the Common Law of England.

Forgery, by the Common Law of England, may be defined to be the fraudulently counterfeiting any written document, in whole or in part, or altering or adding to it, or making it falsely to appear to be genuine writing, or the statement of some other person, with intent to defraud or prejudice another.

By one of the Statutes for Consolidating the Criminal Law, a variety of cognate acts are defined and classed under the head of forgery, and by various special statutes the counterfeiting or falsification of various public acts and other documents is also declared to be forgery. But a mere false statement in writing, which does not purport to be the writing of another person, is not forgery.

As regards the question at issue, it does not appear Lamirande is charged with counterfeiting the entry of any other person, which would be forgery, but that he is charged, as has been stated above, with embezzlement, and with making fraudulent entries into his own books, which would not be forgery according to the law of England.

(No. 17.)

*Earl Cowley to Lord Stanley (Received, November 24.)*

PARIS, November 23, 1866.

MY LORD.—The trial of Lamirande is fixed for Monday, the 3rd December.

Your Lordship may like to know more precisely of what he is accused.

Lamirande was Cashier to the Branch of the Bank of France, established at Poitiers, As such he had considerable sums to receive and to pay, and consequently a deposit of a large amount was continually in his hands. The gold is tied up in bags containing a certain number of Napoleons, which are liable to be visited from time to time by inspectors, who open them and see that their contents are correct; but these inspectors generally content themselves by opening one or two bags, and by weighing some of the others. Lamirande seems to have been in the habit of taking a few Napoleons at a time from some of these bags, which he took care should never come into circulation, giving them the proper weight by the addition of lead, and placing them where there would be the least chance of their being opened. His books at the same time were kept as if the proper amount of money was in his hands. Something having occurred to excite suspicion, Lamirande determined to abscond, taking with him a large sum of money in addition to those already stolen.

I have, &c.,

(Signed,)

COWLEY.

(No. 18.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, November 28, 1866.

MY LORD.—As in any discussion with the French Government, which may hereafter take place on the subject of M. Lamirande's case, much may turn on the precise nature of the charge against him, and of the evidence that may be adduced in support of it, I think it desirable that Your Excellency should employ some competent person to watch the trial and to report fully upon it; taking care, however, in doing so, not to appear to manifest any doubt as to the propriety of the manner in which the proceedings are conducted.

I am, &c.,

(Signed,)

STANLEY.

(No. 19.)

*Earl Cowley to Lord Stanley (Received, December 3).*

PARIS, December 2, 1866.

MY LORD.—In compliance with the instructions contained in your Lordship's despatch of the 28th ultimo, I have desired M. Treite to proceed to Poitiers to be present at



the trial of Lamirande, and to report to me full particulars for your Lordship's future information.

I have cautioned M. Treite not to express any opinion upon the proceedings at the trial.

I have, &c.  
(Signed,)

COWLEY.

(No. 20.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, December 4, 1866.

MY LORD,—Her Majesty's Government have had under their consideration your Excellency's despatch of the 20th ultimo, enclosing a copy of a memorandum which you had communicated to the French Government, founded upon the instructions and observations contained in my despatches in regard to the pending trial of M. Lamirande, and the question of his surrender to the British Government.

Her Majesty's Government are glad to receive the assurance of the French Government, as reported in your Excellency's despatch, that the trial and its results, if such result should be a conviction, will not bar the surrender of M. Lamirande.

Her Majesty's Government will await though not without anxiety, the decision of the French Government on the representations made to them; and, in the meanwhile, they are quite content that the discussion on the subject should be carried on in the confidential form in which they have hitherto been conducted.

In conclusion, I have to express to your Excellency my approval of your language to M. de Moustier, as reported in your despatch above referred to.

I am, &c.,  
(Signed,)

STANLEY.

(No. 21.)

*Earl Cowley to Lord Stanley (Received December 7).*

PARIS, December 6, 1866.

MY LORD,—M. Treite returned to Paris this morning from attending the trial of Lamirande. I had the honor to inform your Lordship by telegraph that Lamirande had been found guilty of forgery (*faux*), and sentenced to ten years' reclusion. He has appealed in Cassation, and the whole question will be gone into before that Court.

M. Treite will furnish me with a full report of the proceedings on the trial, but it cannot be ready for a few days. I reserve all remarks until I have sent it to your Lordship.

I will observe only that, the punishment of reclusion is more severe than imprisonment, and carries with it the penalty of the loss of civil rights.

I have, &c.,  
(Signed,)

COWLEY.

(No. 22.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, December 7, 1866.

MY LORD,—It is stated in a daily paper that a few weeks since a criminal, whose capture or surrender had been improperly obtained in Switzerland, was, after conviction and sentence in France, sent back to Switzerland by order of the Imperial Government, on the ground of the antecedent irregularity.

I have to instruct your Excellency to make immediate enquiry into this matter, and if the statement is correct, you will not fail to call M. de Moustier's attention to it, as furnishing a strong precedent for giving up M. Lamirande.

I am, &c.,  
(Signed,)

STANLEY.

(No. 23.)

*(Earl Cowley to Lord Stanley (Received, December 14.)*

(Extract.)

PARIS, December 11, 1866.

I have the honor to enclose, herewith, copy of a letter from M. Treite, transmitting a *compte-rendu* of the trial of Lamirande, and containing observations upon the proceedings. This letter does not throw much light upon the matter.

The case is certainly a curious one. Lamirande was arraigned in the *acte d'accusation* for having stolen 700,000 francs from the Bank of France of which he was the Cashier at Poitiers, and having concealed this robbery by means of false accounts rendered to his superiors. At the trial the charge of theft was abandoned, and Lamirande was tried on the charge of "*faux*." Probably this was done with a view of bringing the crime within the meaning of the Extradition Treaty of 1843.

Your Lordship will observe that the court declared itself incompetent to decide the question whether the extradition of Lamirande was accomplished according to the stipulations of that Treaty. The legality of this decision will be disputed before the Court of Cassation.

(Inclosure 1 in No. 23.)

*M. Treite to Earl Cowley.*

(Translation.)

PARIS, November 17, 1866.

MY LORD,—Agreeably with the desire expressed to me by Your Excellency, I have made very careful research in works of reference and writers, in order to ascertain if I could find there any mention of a case where a Government, after the surrender of a criminal, had demanded his rendition because the legal formalities had not been observed in the arrest or extradition.

I have found no trace of such a case, and I do not think there is one, for such a claim would be contrary to the rules which are observed in regard to the independence of different States.

In fact, the State to which a criminal has been surrendered cannot be competent to appreciate the legal procedure of a foreign code, and assuredly cannot subordinate its own criminal jurisdiction to the observance of legal forms in another country.

Extradition is an act between Governments; that which has surrendered a criminal without regard to the precautionary forms of law incurs a responsibility, or indeed casts it upon those of its agents who have broken the law, and even punishes them for it; but it has no claim whatever to make on this account to the Government to whom the criminal has been surrendered, unless the extradition has been brought about by falsehood and fraudulent manœuvres.

This latter Government exercises its rights of sovereignty by retaining the criminal who has infringed the law of the land.

Moreover, as soon as the convict has returned into the territory, he belongs no longer to the Government but to the judicial power, whose action is independent of the executive. The executive power has not the right of suspending the course of justice with reference to the individual prosecuted; it can only grant pardon after conviction, for the right of pardoning an individual before trial is denied to the Prince.

On applying these principles to the case of Lamirande, which I only know through the newspaper reports, I think that the English Government is not in a position to demand the restoration of this man.

The French Government would most certainly refuse it, for without violating the right of the judicial power, it cannot even dispose of an accused person who belongs to justice alone.

Having seen no official document, I am ignorant of the complications which may lurk in the case of Lamirande, but I hasten to inform Your Excellency that Lamirande will shortly appear before the Court of Poitiers.

Before the Court of Assize, the Counsel for the defence will probably bring forward some circumstances and raise some difficulties relative to the arrest and extradition of the accused.

The English Government might be interested in learning and forming a judgment on these points. Would it not be advisable to have a lawyer present at the trial, instructed to watch the proceedings and to examine their phases and legal bearing? This is an idea which I have taken the liberty of submitting to Your Excellency, begging you to accept, &c.

(Signed,) TREITE.

(Translation.)

PARIS, December 10, 1866.

MY LORD,—Agreeably with the desire expressed by Your Excellency, I went to Poitiers, to attend the trial of Lamirande, who has been brought back from Canada and given up to the French Government.

These proceedings, it was generally said, would present most interesting discussions in regard to the international right of extradition.

Indeed, the defenders of the accused had prepared quite a system of attack upon the extradition of Lamirande, both as regards the facts and the law of the case.

They had to show that the circumstances attending this extradition constituted acts of deceit, of fraud, of violence, and of outrages upon the English laws. They were above all to argue on the public declaration of Mr. Drummond, Judge of the Court of Queen's Bench, who had, on the 25th of August, 1866, declared the extradition to be illegal; in short, it was to be pleaded that Lamirande had been stolen from the English Government. The expression, moreover, was made use of in Court,—Your Excellency will find it in the report of the proceeding which I have the honor to enclose herewith. Public attention was also much excited, but it has been altogether disappointed.

In fact the Avocat Général, in virtue of instructions without doubt emanating from the Ministry of Justice, opposed the admission of the motions submitted by the defenders on the question of extradition. These motions are very explicit, the Avocat Général maintained that the question of extradition could not be discussed before the judicial authority, since the executive authority had declared that the extradition was legal and regular; that extradition is the business of a Prince in his international relations; relations which cannot in any case fall within the cognizance of the judicial authority, etc., etc.

In spite of the efforts of the defence, the view upheld by the Avocat Général has been ratified by a decision of the Court of Assize. This decision appears to me to be well founded in law. His view is, besides, in agreement with the legal opinion which I had the honor to submit to Your Excellency on the 17th of November last, respecting the extradition of Lamirande.

It must, however, be said that the principles laid down by the Lamirande decision (by which name it always will be known) are not unanimously accepted in jurisprudence and in the tenets of writers. But the Court of Cassation is about to be called upon to lay down a definite rule on this matter, which is so obscure, since Lamirande, it is said, has appealed to the Court of Cassation, as has been announced.

Thus the appearance of Lamirande in a court of justice has not advanced the question of extradition between the English and French Governments, with the exception that the jury has declared Lamirande guilty of forgery agreeably to the heads of accusation transcribed in the indictment in Nos. 3, 4, 5 and 6, and which I have reported in manuscript, the newspapers not having reproduced them.

We must bow to the verdict of the jury although there may be a difference of opinion on the question whether the false statements made by Lamirande legally constituted the French crime of falsification (*faux*), and especially the English crime of falsification called "forgery."

On reading the discussions, Your Excellency will see that the President of the Court of Assize asked the accused whether, although theft and abuse of confidence might not be within the scope of the Extradition Treaty of 1843, he would consent to be tried on these two charges. The accused probably hoped for an acquittal on the charge of forgery; he refused to stand his trial on the two other charges, and the prosecution only relied on the crime of forgery.

In my opinion, the question of the President had a political bearing, for if the accused had consented to be tried on the counts of theft and abuse of confidence, he would have

renounced *ipso facto* his advantage arising from the Extradition Treaty, as the Avocat Général pointed out. The dispute would naturally have fallen to the ground, for the English Government could no longer have to occupy itself with the reclamation of an individual who had renounced the advantage arising from the British law.

The declaration of Judge Drummond not having been read at the trial, could not be published by the French newspapers. Such a publication might have exposed them to a prosecution for inaccuracy in a report of judicial proceedings. Foreign papers have published extracts from this declaration. On the first page of the Report, Your Excellency will find an analysis of that declaration printed in a Belgian paper.

Accept, &c.,

(Signed,) — TREITE.

Inclosure 2 in No. 23.

(Translation.)

REPORT OF THE TRIAL OF M. LAMIRANDE.

*Analysis of the Declaration of Judge Drummond, published by a Belgian paper.*

This document not having been read during the sittings of the Lamirande trial, has not been published by the French papers. By printing it they would have rendered themselves liable to prosecution for inaccuracy in the judicial reports.

“ We will here recall that somewhat strange document of Judge Drummond of Montreal, which, in fact, sums up the whole question of the extradition.

“ Indeed, in France we should be at a loss to give a name to this document, which corresponds neither in form nor in substance with our idea of a judicial sentence.

“ In the first place, the Honorable Canadian Judge acknowledges that he has no further orders to give, it being impossible to bring before him the accused, or rather the petitioner, as he calls him in deferential language, he being on the high seas, carried off by one of the most audacious and, up to this time, happy enterprises against justice which have even been heard of in Canada.

“ Notwithstanding this somewhat candid declaration, the Honorable Judge Drummond launches forth into a long dissertation better suited to pleadings or polemics than to the impartiality of a judicial document.

“ What results from this harangue is the rather impassioned opinion of the Judge, maintaining that the extradition would never have been granted by him if the case had remained intact, and that for several reasons, which he enumerates very concisely, viz :—

“ 1. That the French Consul General at Montreal was not qualified to demand the Extradition not being an accredited Diplomatic Agent, as required by the Treaty of 1843.

“ 2. Because the original instrument of indictment against the accused was not authenticated; that in lieu of the original and regular document only a copy thereof, translated by some unknown individual, was produced (it is known that at New York the warrant was abstracted from the rest of the papers by one of Lamirande’s advocates, to whom this document had to be communicated).

“ 3. Because the act imputed to the accused, Lamirande, does not contain the imputation of any of the acts characterized as crimes by the English laws, and which would authorize his extradition according to terms of the Treaty.

“ In fact, in England, the crime of forgery only consists in the deceitful fabrication of a document intended to be what it is not, not in the fabrication of a document intended to be what it is; in other and clearer terms, a lie in writing is not a forgery.

“ Then Judge Drummond recollects that he ordered the petitioner (Lamirande) to be brought before him, and adds :—

“ ‘ The answer of the keeper of the prison to my writ of *habeas corpus*, was that he had handed over the prisoner to Edme Justin Melin, Inspector of Police at Paris, on the night of the 24th instant, at midnight, by virtue of an order signed by the Deputy Sheriff, upon a document signed by the Governor General.

“ ‘ It appears he continues, that the petitioner, thus delivered to a French Agent of Police, is now on his way to France, although his extradition was illegally demanded, although he was accused of none of the crimes for which he could have been legally delivered up, and notwithstanding that I was positively informed that His Excellency the

Governor General had promised, as he was bound to do in honor and justice, to give the petitioner an opportunity of having his petition decided by the first tribunal of the land before ordering his extradition.'

"After these imputations levelled by a magistrate against the Governor of the country, one can understand the polemical violence of the American press. It is true that the Canadian magistrate adds, that if there is a false date in the Governor General's warrant, he sees therein a proof that the good faith of the Governor has been abused."

REPORT of the Trial of Lamirande, taken from the "Gazette des Tribunaux" and the Journal "Le Droit."

COURT OF CRIMINAL JUSTICE.—ASSIZES OF VIENNE.

(Specially drawn up for the Gazette des Tribunaux.)

Under the Presidency of M. Aubugeois de la Ville du Bost, Judge of the Imperial Court of Poitiers.

Sitting of December 3.

*In re* Lamirande.—Fraudulent Abstraction,—Embezzlement of 700,000 francs from the Branch Bank of France at Poitiers,—Forgery in the Bank accounts.

The name of Lamirande has for some months acquired such a notoriety that it is sufficient to mention it to recall all the facts with which it is connected. Cashier of the Branch Bank of France at Poitiers, he disappears, leaving a considerable deficit in his cash. He flies—he crosses the seas: he first takes refuge in England; then in America. French police agents follow on his track, have him arrested; but before he is delivered up to them disputes arise between the different authorities of America, England and France upon the question of extradition, and it is only lately that they have been settled, and that Lamirande has been handed over to the justice of his country. Such is the summary, much abridged, of the long preliminaries of this serious affair, but which it appears to us ought to be sufficient, that it is coming to trial, to bring it to the notice of the public.

A large concourse of people thronged the approaches of the Palace of Justice in the hope of being present during this important trial. It could not be otherwise in the town where the accused has been so long known, and where, whilst he acquired a position of confidence, he was enabled to gain the esteem of a large number of its inhabitants.

The Magistrate's Bench was occupied by M. Gast, first Advocate General. The Procureur Général Damay was present.

Maitre Lachaud was charged with the defence of Lamirande, who had also as counsel, M. Lepetit, formerly senior advocate of the bar of Poitiers.

Upon the accused being introduced into Court, a quick movement of curiosity was apparent on all sides; all heads were raised; all eyes were directed towards him, and a long period elapsed before the first burst of public curiosity subsided.

Lamirande, whose carriage and demeanor announced him to be a man of superior breeding, is of middle height, he has brown hair, a high forehead, a pale complexion; his regular features announce shrewdness and vivacity. Those of the inhabitants of Poitiers who knew him, say that they can hardly recognize him, he is so changed and emaciated: nevertheless, he is not depressed and he seems not to have lost any of his energy.

After the jury had taken their places, and the identity of the prisoner had been proved, the warrant of arrest and the act of indictment were read by the clerk of the Court; this last document is couched in these terms:—

"On Monday, March 12, 1866, M. Bailly, Director of the Branch Bank of France, at Poitiers, informed Lamirande, Cashier of the same establishment, that a million in gold would have to be immediately forwarded to the Branch at Angoulême, and that the day after, Tuesday, 500,000 francs in silver would have to be sent to the same place. Lamirande made, during the day, the necessary preparations for the despatch of a million in gold. In the evening he clandestinely left his post, took the railway, and reached the frontier. Before starting he had left a letter addressed to the Director, M. Bailly, in which he stated that he was unexpectedly obliged to go to Châtellerault; that he had left his keys with M. Quérieux, Chief Accountant, and that he would return soon enough to make up his cash account. At the same time he had written to M. Quérieux, that being

obliged to leave for Châtellerault, he begged him to act as cashier on the morrow, and to superintend the despatch of the money by the attendants of the Bank; he added that he would arrive in time to draw up the daily report. This letter was taken by a messenger to M. Quériex, with the keys which opened the lower compartments of the current cash (*caisse courante*). Lamirande's sudden departure could not at first appear suspicious for he had taken the precaution of telling several people the falsehood that his nephew was very ill at Châtellerault, and that the state of the child caused him great anxiety. On the 13th of March, the employés of the bank proceeded to remove the 500,000 francs which had to be sent to Angoulême. Sacks were ready; they were filled to the number of 50, by taking from the cellars 500 bags or 1,000 francs each, and the 50 sacks, which ought each to have weighed 50 kilogrammes, were placed upon a truck, accompanied by a clerk and an attendant, and taken to the Bureau des Messageries. There they were weighed, and it was immediately found out that most of them were under weight, showing a deficit of about 2,000 francs per sack. The director was informed of this, he immediately had the whole taken back to the bank, opened the sacks, took out the money bags and counted them, 310 of them were found to be uniformly deficient of 200 francs, within about a five-franc piece.

One of the Inspectors (*censeurs*), M. Grétry, and one of the Managers, M. Pavie, were informed of this; they went down into the cellar, from which the deficient bags had been taken and discovered that the same difference existed in a great many more bags of money. They discovered, besides, that many bags which ought to have held each 10,000 francs in gold of 20-franc pieces, only contained in the same bulk 2-franc 50 centime pieces. In a word, it was proved by the examination which took place on the 13th of March and the following days, that the sums abstracted from the cellar amounted to 219,000 francs.

"Lamirande had not, however, sent to Mr. Quériex the key which opened the upper compartment of the current cash; now this compartment ought to have contained a very considerable sum, whether in notes or in gold. A workman, sent for from Paris, arrived the next day, together with a Bank Inspector, and opened the compartment. All the 1000 franc notes had disappeared; there only remained 400 notes of 100 francs, of which the bundle had no doubt appeared too bulky to be carried off. It was, moreover, found out that there were two bags apparently filled with gold and labelled 20,000 francs, but it was at once perceived that the rouleaux of gold pieces had been replaced, at the bottom of the bags, by paper rolls of 2-franc 50-centime pieces, wrapped first in white and then in blue paper, so as to equalize the weight to within about a centigramme with that of a sum of 20,000 francs in gold. An exact and minute investigation proved that the embezzlements effected from the cash amounted to the sum of 485,000 francs.

"Hence, from the cellar and from the cash-box, in specie or in notes, a sum total of 704,000 francs had been abstracted to the loss of the bank.

"In face of these discoveries no doubt was possible; the flight of the cashier was the proof of his guilt.

It was, moreover, manifest that the cashier alone could have perpetrated this immense spoliation. In the first place Lamirande had the exclusive management of the current cash, which had been exhausted in the course of the day of March 12; Secondly, he alone could have effected either the abstraction from a great number of bags of silver or the removal of the bags of gold. It was easy for him to abstract them whilst alone in the cellar, where he superintended the depositing and the despatching of moneys, by taking advantage of the absence of the director and the employés charged with the conveyance of the bags.

"Lamirande's flight was suddenly precipitated by the unexpected order to send 500,000 francs to Angoulême, for it became clear to him that the despatch of so considerable a sum, trenching upon the reserves of silver deposited in the cellar, would necessarily include the deficient bags, and lead to the discovery of the fraud.

"Lamirande is not answerable to Justice for the enormous abstractions of which he is guilty alone. His duties as Cashier require him to remit daily to the Board a return in which he certified to the state of the different coffers of the Bank, by showing, according to their value, the sums and effects that were there deposited. He has committed a daily series of forgeries by announcing each day in his return a state of affairs which had ceased

to be correct, owing to his own embezzlement. The very day of his departure he still transmitted to his director a return of the state of the Bank, certified and signed by himself, in which he falsely attested that the sum total in the coffers of the Bank amounted to the sum of 11,443,000 francs, whilst in reality, through his abstractions, the amount in hand was diminished by the 704,000 francs, of which he had possessed himself.

“Lamirande has committed forgeries in banking accounts (*faux en écriture de banque*), and he has knowingly made use of false papers by remitting returns which concealed the fraudulent abstractions and embezzlements of which he is guilty.

“Consequently Lamirande is accused”—

“1. Of having, at Poitiers, within less than ten years, fraudulently abstracted divers sums in gold or silver coin from the safe or cellar of the Branch Bank of France, to the loss of that establishment.

“Of having committed these fraudulent abstractions, under this circumstance, that he was then the salaried cashier, or servant at wages, of the said Bank of France.

“2. Of having, at Poitiers, within less than ten years, and especially on the 12th of March, 1866, embezzled or made away with, to the prejudice of the Bank of France, the proprietors thereof, funds and notes placed in the current cash of the Branch at Poitiers, which had only been remitted and confided to him for purposes of deposit and demand, on the understanding of his returning, or producing, or making, some appointed employment or use of them. Of having committed the above specified embezzlements, under this circumstance, that he was then cashier or paid clerk of the said Bank of France.

“3. Of having, at Poitiers, on March 12, 1866, in the return signed by him, which it was his duty to draw up and certify each day as Cashier of the Branch Bank of France, for the purpose of showing the amount in hand at the said branch, fraudulently inserted the false declaration that the amount in hand consisted that day of 11,443,556 francs and 84 centimes, whilst in reality it was less by all the sums abstracted or embezzled by him, and of having thus fraudulently changed the declaration and facts which it was the object of this report to receive and verify.

“4. Of having the same day, at the same place, made use of this fictitious paper, knowing that it was fictitious, by remitting it to the Director of the Branch Bank of France at Poitiers, in order to show the state of the cash at that establishment, on the 12th of March, 1866.

“5. Of having, at Poitiers, within less than ten years, and anterior to the 12th of March, 1866, in several returns signed by him, which it was his duty to draw up and certify each day as Cashier of the Branch Bank of France, in order to show the cash in hand at the said branch, fraudulently inserted the false declaration that the cash in hand amounted to a sum larger than that which existed in reality; which amount was less than the figures recorded by all the sums abstracted or embezzled by him, and of having thus fraudulently changed the declarations and facts which it was the object of this report to receive and verify.

“6. Of having, at the same period, and at the same place, made use of these fictitious papers, knowing that they were fictitious, by remitting them to the Director of the Branch Bank of France at Poitiers, in order to establish the state of the cash at that establishment on the days indicated.

“Given at the bar of the Imperial Court of Poitiers, the 23rd of September, 1866.

(Signed,)

“CAMOIN DE VENCE,

“*Avocat Général.*”

During the reading of the indictment, which was listened to by the audience in the most profound silence, the accused appeared to be deeply moved; he almost always kept his head down, resting on his hand, frequently passing his handkerchief over his eyes and forehead.

It ought to be stated that on the jury being empanelled, Maître Lachaud, in the name of Lamirande, requested that note might be taken, so that his presence, and that of the accused at this empanelling, should not in any way prejudice the motions in exception (*conclusions exceptionnelles*) which he might choose to submit before entering upon the actual proceedings. Note was taken of this reservation, and the President ordered that it should be mentioned in the minutes of proceedings.

The President then recapitulated to the prisoner the different heads of accusation brought against him, to the number of six, fraudulent abstractions and forgeries. The Prisoner made no observation.

Maitre Bourbeau, Advocate, came forward, attended by Maitre Pinchol, Attorney, and read motions to the effect that the Bank of France should be allowed to appear as prosecutor, and that record should be made of their reservations to fix, during the course of the debates, such damages as they should think fit.

*The President*—It is for the first Advocate General to speak.

*Maitre Lachaud*—Mardon me, M. le Président, I request permission to speak in order to submit the following motions :—

Seeing, that it is established as a principle, that Courts of Assize are competent to judge whether the extradition of accused persons has been conducted in a regular manner, or whether, on the contrary, it has been the result of fraud or of violence ; that this principle has been recognized by the Court of Cassation, especially in its Decree of the 9th of May, 1845 ;

In point :—

Seeing, that Lamirande, Cashier of the Branch Bank of France at Poitiers, sent by order of the Court of Indictment, before the Court of Assize of Vienne, on several accusations, took refuge in Canada (an English possession) ;

That a demand for his extradition had been made by virtue of the Treaty concluded between Great Britain and France, on the 18th—21st of March, 1843.

That this Treaty, which indicates the forms necessary to be observed in the two countries in cases of extradition, reads textually, Article 1, Section 2, in so far as concerns Great Britain :—

Consequently, on the part of the British Government. the surrender shall be made only on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest or other judicial document likewise issued by a Judge or competent Magistrate, in France, and likewise clearly setting forth the acts ;

Seeing, that it results that in order that the English Government may grant the extradition, it is necessary before all that a competent Judge should have declared its legality, that consequently it is not only an administrative but also a judicial decision ;

Seeing, that Lamirande having, in the first instance, been brought before Mr. Bréhaut, Justice of the Peace, the latter adjudged the surrender, but that almost immediately that decision was attacked before the Superior Judge of Queen's Bench, Mr. Drummond, and that from that time a regular appeal was lodged against the decision ;

Seeing, that Judge Drummond heard the case on the 24th of August, 1866, that all parties appeared through their respective representatives, that the demand for extradition was supported, opposed and discussed ;

That at that stage, after a long sitting, and when the trial had been accepted by all, on the request of M. Pominville, Counsel for the Bank of France, who was desirous of making some further observations, Judge Drummond, when about to give judgment, in consideration of the lateness of the hour (7 o'clock in the evening), postponed the remainder of the hearing and his decision till the next day, the 25th ;

Seeing, that during the evening of the 24th of August, before the decision of the Judge, who alone was qualified to give a definitive decision, police agents dragged Lamirande forcibly from prison, that he was brought to France, and notwithstanding his protests, handed over to the French police ;

Seeing, that all these facts cannot be contested, that they are proved by the judgment delivered by Mr. Drummond on the 28th of August, 1866 ;

That it results moreover, from this decision, that Mr. Drummond has declared that there were no grounds for an extradition, for several reasons given in his judgment, and founded either on the form of the demand, or on the main issue, in that the acts cited constituted none of the crimes for which extradition should be granted ;

Seeing, that at present the Court of Assize is called upon to judge whether the extradition of Lamirande can be declared legal ;

That it is evident it could not be so, since the Judge before whom the case had been



duly brought by all parties, and whose duty it was to decide definitively upon it, has declared that there was no reason for granting it;

That an act of violence, for which England cannot fail to call her agents to account, ought not to prevail over a judicial decision, and thus make force and subornation superior to right.

That whatever may be the faults and the crimes of which Lamirande is accused, they can form no reason for violating the most ordinary rules of justice; that the aim of International Treaties of Extradition is not to give advantage to accused persons, but above all, to respond to the highest interests of the reciprocal relations and liberty of nations;

Seeing, that it is in vain to object that Lamirande was handed over to the French Agents of Police by virtue of an order signed on the 23rd of August, 1866, by the Governor of Canada; that it results from the sentence delivered by Mr. Drummond, that the date borne by this order is not the real one; that it was given after the 23rd of August; that the Governor's signature could only have been obtained by underhand means;

Seeing, moreover, that the very terms of the Treaty of 1843 do not permit the Governor General to deliver up an accused person for extradition before the judicial decision had been pronounced by the proper Judge; that on the 24th of August the case came before Judge Drummond; that the British Government, represented by Mr. Ramsay, Queen's Counsel; the Bank of France, represented by Mr. Pominville, Advocate; Lamirande himself represented by Mr. Doutre, Advocate, were heard, and that they argued the question of the legality of the extradition before that Magistrate;

That from that moment until after the decision of Judge Drummond, it was impossible to dispose of Lamirande without violating at once both law and justice;

That it may please the Court, for these reasons and for others which it may think fit to add, to pronounce the extradition null;

And, quite collaterally, seeing that—to suppose an impossibility—the Court should declare itself incompetent to pronounce the extradition null by reason of the diplomatic character of that act, it cannot ignore the fact that the circumstances attending this extradition may be of a nature to render it null; that it would then have to be submitted to the attentive examination of the two Governments of France and Great Britain, and in that case to grant a postponement until it shall have been decided, with all reservations, by those to whom it shall belong.

After the reading of these motions, M. Gast, the Avocat Général, immediately asked for permission to speak in order to oppose them:—

Gentlemen, he said, against those motions, we have to bring some interlocutory motions. We come forward to ask the Court not to allow them to be argued. These motions do not take us by surprise. From his first examination the accused asserted that he could not be tried in France.

The prisoner's honorable counsel had informed us of these motions, which are like pleadings, and the object of which is that the Court should declare itself competent to judge of the legality of the extradition, and collaterally grant a postponement.

In order to discuss the competency of this Court in this respect, we will examine the laws relating to extradition, the power of the judicial authority, the rights of the individual delivered up, and the privileges of the French Government.

Penal laws are exclusively territorial, this principal is incontestable. Beyond the frontiers of each state penal laws are paralyzed, and this is the principle behind which fugitive criminals shelter themselves: consequently, these criminals cannot criticise the force of the measures which have been applied to them beyond the limits of our territory.

How could French Magistrates judge of the legality of these acts? They could not do it either from the point of view of French law, nor in judging of foreign laws.

There is another reason still more conclusive, which disposes of the question of competency. The measures taken abroad were at the request of the French Government; and moreover, culpable acts committed abroad are quite indifferent to us, and they are quite beside our judgment.

Lamirande was so well aware of the indictment upon which the warrant for his arrest was founded, that his American advocate has been accused of having stolen that document, and he made no protest when the warrant was served on him.

The Avocat Général asked to what rule of law could recourse be had to support the claim to have Lamirande reconducted to the frontier.

Now we have to ask what are the rights of the individual delivered up? Has he a right to say that in his person have been violated the conventions concluded between France and England? The motions pretend that he has; but was he a party to these conventions? One or the other of these Governments can alone vindicate these rights. As for the individual person given up, from the moment he again sets foot in his country he becomes simply an accused man who has to be tried.

The Avocat Général quoted in his support Dalloz ("Traité International," page 184); "Decree of the Court of Cassation," 1852 (Morin, page 502).

But if acts committed abroad are matters of indifference to French justice, it is otherwise with the foreign Government. If in the extradition there has been fraud or violation of territory, even a *casus belli* may be the result.

Let us suppose that a foreign Government had cause to complain of such a grievance, to whom would it apply for redress? To a Court of Assize? Simply to ask the question is to answer it. The foreign Government will come direct to the French Government to ask for redress; and take notice that this is the only Plaintiff which can be recognized through the medium of his Diplomatic Agents, extradition having no kind of right.

You assert that the Treaty has been violated; but for that you must have the Treaty interpreted. Can the Tribunals do so?

Here is what I read in Dalloz "Traité International," No. 152:—"The interpretation of Diplomatic Treaties is beyond the competency of Tribunals, whether judicial or administrative," &c.

We have now to ask ourselves what the French Government will do if a claim of this nature is preferred. If it finds that there is foundation for the grievances it will go before the Courts, and say through His Excellency the keeper of the seals, "I withdraw that man from your jurisdiction by right of the law of nations, which is superior to the right of individuals."

In fact, the Emperor, possessing the right of making Treaties with foreign nations, has the right of doing all that is necessary for the execution of those Treaties.

Moreover, when the French Government has obtained a surrender, it can go and say to the Jury, "You will only try the accused on the charge of forgery, because we have obtained his surrender on that charge."

In presence of the intervention alone justice will refrain.

But if, instead of holding this language, Government is silent; if these grievances appear to it without foundation, justice will take its course, recognizing but the legal rules of positive right. Possible consequences have no influence on justice. We place this perhaps rather bold opinion under the ægis of doctrine and jurisprudence.

An individual was prosecuted for forgery and the abduction of a girl under age (1845). He was delivered up from Tuscany only for the crime of forgery. The law Court of Besançon decided that there was no case of forgery, but, on the other hand, that there were very grave suspicions of the abduction of a minor.

The Court ordered that the individual should be arrested only for abduction, and that he should only be judged by default. The Procureur Général filed an appeal against this decision, which was reversed in the Court of Cassation in the following terms:—

(Decree, Court of Cassation, 1845.)

The Avocat Général read the Decree and Dalloz's observations:—

"The indictment may be in violation of the Treaty, but the law takes its course; those are questions to be discussed between Government and Government."

This doctrine, a little too absolute perhaps, is contested by two decisions which I am going to read to you; and from which it follows that if an extradition has taken place without the intervention of either of the two Governments, the law Courts would have the right of asking whether the Government recognized that proceeding and considered it regular. That, Gentlemen, is the only reservation to be made. That, according to our opinion, is the doctrine which results from the only two decisions which can be brought against us. You shall judge for yourselves.

The Advocate General then read an account of the Dermonon trial (Dalloz "Traité International," page 597).

Do you not see in those facts a confirmation of the doctrine which we just now explained to you. In that case the Government had certainly nothing whatever to do with the extradition of the accused, and it was on that account that the Law Courts appealed to the Government and asked if whether it recognized the measures which had been taken.

The Avocat Général quoted a Decree of the Court of Assize of Ariège of the 17th February, 1845 (Langé case).

*M. Lachaud*—That is the decree which I refer to in my motions; it is of the 9th of May, 1845.

The Avocat-Général, after having read that decree, drew from it the same results as he did from the preceding document. The Sieur Langé, ex-officiating priest, prosecuted for attempted rape, fled for refuge into the Val d'Andorre; he had been arrested by a French Justice of the Peace, under the authority of the Syndic of the Republic of Andorre. The *Cour Royale* ordered a postponement to find out whether the arrest was recognized by the Government, which had taken no part in it. The Court of Cassation, in consideration of the suzerain rights of France over the small neutral territory of Andorre, decided that the arrest was legal.

That point settled, if, instead of remaining inactive, Government was to say to you we have obtained the extradition of that man and assume the responsibility thereof, the law must take its course and is not to ask whether the extradition proceedings were in conformity with Treaties, and it cannot even allow any debate on that subject, which is not within its province.

We have not received any instructions to follow the Counsel for the defence in regard to those numerous facts which they have enumerated to us to our great surprise, and which we should doubtless have no difficulty in answering if such were our business. But for us there is something that overrides all, a prerogative of the Government with which it is not for us to meddle.

The first Avocat-Général read several official documents, proving that the French Government took an active and immediate part in obtaining the extradition of Lamirande, and, amongst others, a letter from His Excellency the Keeper of the Seals.

In that letter, said the Avocat-Général, the part communicating the facts is purely voluntary as far as the law is concerned; but what must be considered above all is the Government act claiming for the French Government the responsibility of the extradition as against foreign governments.

We should have finished if we were not bound, on account of that letter, to remind you that the Keeper of the Seals has declared that Lamirande should only be tried on the charge of forgery, unless he accept of his own free will the decision of the Jury on the charges of breach of trust and theft.

This would seem to put us in contradiction with ourselves, since we maintained that the person surrendered in extradition could have no rights whatever to appeal to. That is a form of respect towards the foreign government which only allowed the extradition of the accused on this charge of forgery, but the consent of the accused may do away with that prohibition, founded on respect for international rights.

The Advocate-General quoted the decrees of 1851 (*Virmaitre decree*; of 1852 (*Darreau decree*), and of 1865 (——— *decree*; decrees which decide that measures of extradition are beyond all control of judicial authorities.

The motions are therefore not admissible, and it is for the Court to declare its incompetency, and to order that no further proceedings be taken thereon.

*The President*—Maitre Lachaud, it is for you to speak.

*Maitre Lachaud*.—Gentlemen of the Court, the motions which I have drawn up are not the work of Lamirande, they are the work of his Counsel. His Counsel decided to submit them to you, because they thought that though the defendant may be unworthy, though his crime may be odious, yet that behind him there is the law. Now, when the law is scandalously divided, I have the right to complain and I do complain. The man whom I do come here to defend has been stolen from England.

*The President*.—Maitre Lachaud, I cannot let the word pass. You are arguing not for jury, but for the Court, and upon the question of competency only. Please to recollect this.

*M. Lachaud.*—I have not forgotten it, M. le Président. I said that this man had been stolen from England, because I have there a document which proves it, a decision of an English Judge, when I will not read out of deference to the Court, but which nevertheless exists, and proves to me, as it will do to all, when it becomes known, the truth of what I have advanced. I shall say no more on this point, and I hasten to answer the *Avocat Général*.

The Counsel for the defence then read various Decrees of Cassation, which, refuting those pointed out by the *Avocat Général*, lay down the principle, he said, that the accused always has the right of taking exceptions before the Court of Assize. Those decrees, added the Counsel, are corroborated by the opinion of M. Faustin Hélie, who thinks that the exceptions may have regard either to the legality of the Act of Extradition, or to the restrictive conditions of the Treaty which binds the two Governments. M. Faustin Hélie maintained that in this matter the Court of Assize has a discretionary power; he acknowledges completely my right of objection. Only, as he foresees, that there may possibly be grounds for diplomatic discussion, he says that in certain cases it may be necessary to suspend the proceedings. And since M. Faustin Hélie never touches on a subject without exhausting it, he adds, that in granting the right of objection, the exception taken must be important, and of such a nature as to suspend judgment on the main points.

I am afraid that Lamirande is only looked upon as the criminal, as a man who inspires little sympathy. What has the individual to do with the question? Forget the man; instead of a crime of cupidity, to-morrow you may have to try a crime of passion, and the position of the *Avocat-Général* can no longer be maintained. What would it be then if a political trial were in question.

I do not wish to press my argument any further; but do not forget, gentlemen, that in this matter everything is important; a neighboring people, a great people, are at this moment weighing our words; they should not find them falling short of that respect with which they are accustomed to surround those two great bases of society, the liberty of all, and the law for all. I persist in my motions.

*Maitre Bourbeau*, Advocate for the prosecution, declares that he took the side of the Law Officers, and rejects the motion with regard to annulling the extradition, and with regard to the adjournment of the trial.

*Maitre Lepetit*, one of the Counsel for the Defence, replied, and in a warm and animated argument grounded on the opinion of MM. Dalboz, and Faustin Hélie, and on the doctrine of the Decree of the Court of Cassation of 1845, maintained that the Court of Assize is competent to entertain the exception as regards the nullity of the extradition, not in the sense that the law would have the right to criticise diplomatic acts, but in the sense that it may inquire whether the forms laid down by international conventions have been observed, in other words, whether the law has been imposed upon.

The Court retired into the Council Chamber, to deliberate on the point.

At half-past three the sitting was resumed

The President pronounced the decision, couched in the following terms:—

“Seeing, that by a Decree of the Imperial Court of Poitiers, Chamber of Indictments, dated the 29th May, 1866, the *Sieur Sureau*, called *Lamirande*, has been sent before the *Vienne* Court of Assize, under the triple accusation of aggravated theft, aggravated breach of trust, and forgery in commercial or in banking accounts;

“Seeing, that in consequence of the said decree, an indictment has been drawn up by the *Procureur Général*, dated September 23, 1866;

“Seeing, that these two documents have been communicated to the accused by the summons of the 24th of September, and that on the 24th of the same month the said accused was examined by the President of Assize, in conformity with the articles 293, 294, 295 and 296 of the Code of Criminal Procedure;

“Seeing, that from that time the case was in a proper form to be tried and has been regularly set down for trial at this session;

“Seeing, nevertheless, that the counsel for the defence of *Lamirande* have, by the motions submitted at the sitting, demanded of the Court to pronounce the extradition of the accused invalid, and quite collaterally to put off the trial of the case until a decision be come to by competent authority as to the validity of that extradition;

“Seeing, that in the matter of fact it follows from the documents in the case, and

especially from the Ministerial despatch of the 25th November, 1866, that on the demand of the French Government, Lamirande, put under arrest on an indictment comprising charges of forgery in commercial or in banking accounts, was placed by the Government of Canada, where he had fled for refuge, at the disposal of the French authorities ;

Seeing, that immediately after the extradition had taken place, the Imperial Government itself delivered the accused into the hands of justice, in order that he might answer before a competent tribunal for the crimes of forgery in commercial or in banking accounts, the crimes upon which the demand for his extradition were founded ;

“ Seeing, that in the matter of law, Treaties of Extradition are high administrative acts, agreed upon between two Powers in the general interest of morality and social security ; that the forms and conditions thereof are regulated, not for the advantage of persons accused, who cannot, by taking refuge abroad, obtain impunity for themselves from the law of their own country, but by the consideration of the international requirements or of the mutual observances of the Governments ;

“ Seeing that the fundamental principle of the separation of authorities is opposed to the possibility of the French courts of law interfering in regard to the interpretation and the application of the Acts of the Government which gives up the accused to their jurisdiction.

“ Seeing that by the very fact of delivering an accused person into the hands of his natural judges, the Imperial Government confirms the regularity of his extradition, and cannot be the subject of any appeal ;

“ For these reasons, the Court rejects the motions, both principal and collateral, drawn up by Lamirande’s counsel and decrees that the trial be proceeded with.”

*The President*—Prisoner, you have heard what has been said. You need only answer as to the facts relating to the forgeries. Are you willing to answer to all the other charges recorded in the indictment ?

*Lamirande*—I am ready to answer as to all the facts.

*M. Lachaud*—I cannot allow my client to commit himself on that ground. I maintain that the letter of the Keeper of the Seals could only cause Lamirande to be sent before the assizes for the crime of forgery. No one can have the right, the Keeper of the Seals no more than anybody else, to violate the law.

*The President*—It is for that reason that I consulted Lamirande, leaving him his full liberty of action.

*M. Lachaud*—I persist in my protest, M. le President, and, if necessary, I will make some very precise motions in order to define it clearly. Lamirande does not understand the consequences of his acquiescence ; it is the business of his Counsel to make him understand them. I ask only for a delay of five or six minutes in order to draw up my motions.

*M. Lepetit*—I entirely concur in and adopt the observations of *M. Lachaud*, and I unite with him in asking for time to write out our motions.

After being suspended for a few minutes, the sitting was resumed.

*The President*—Prisoner Lamirande, I repeat what I have already asked you, do you consent to be tried on all the charges brought against you ?

*Lamirande*—I have neither to consent nor not to consent.

*M. Lachaud*—Here are the motions which I submit in Lamirande’s name :—  
“ Seeing that Lamirande has been remitted to the *Vienne* Court of Assize for trial on the triple charge of embezzlement, of aggravated theft, and of forgery in commercial or in banking accounts ;

“ That the Decree has been communicated to him, and that he appears before the jury on that triple charge ;

“ Seeing, that it cannot be in the power of any one to divide or to suppress a part of these several counts of indictment ;

“ That Lamirande has not either to consent or not to consent to be tried for the crimes brought against him of breach of trust and aggravated theft, but that it concerns him that the jury should be called on to settle the whole charge ;

“ That if it is true as has just been laid down by the Court, that Treaties of Extradition can never be interpreted by Courts of Law ; it is inadmissible that there should be,

on their account, the power of modifying a charge before the Court of Law, where the case has been regularly brought ;

" Seeing, that the letter of the Keeper of the Seals contains only the instructions given to the Attorney General, and could not in any way impede the carrying out of a decree of the Chamber of Indictments ;

" For these reasons, that it be ruled that all the counts of the indictment be submitted to the jury.

Maitre Lachaud, after having read these motions, asked leave to urge them.

*The President*—The *Avocat Général*, perhaps, has also some requisitions to make ?

*The First Avocat Général*—In fact we require that the Court may be pleased to separate the facts relating to the fraudulent abstractions, and to the embezzlements, and to order that Lamirande shall only be tried on the facts relating to the forgeries.

After Maitre Lachaud had argued his motions, and the first Advocate General had maintained his requisitions, the court deliberated again and passed a second decree which rejected the motions of the defence, and decided in favor of the requisitions of the Law Officers.

*The President*—Here, gentlemen of the jury, your part begins ; hitherto you had nothing to do with the various points which have arisen during the discussions ; they were within the exclusive cognizance of the Court. Now, gentlemen, it is for you to decide on the rest of the argument, bearing in mind that in conformity with the decree which the Court has just passed, you have but to consider and determine exclusively, the charges relating to the crime of forgery in commercial or in banking accounts ; all the other charges having been set aside by the decree.

It is the Law Officers' turn to speak :—

*The First Avocat Général* : Gentlemen of the Jury—The importance of this matter, and the circumstances no less important which are connected with it, make it necessary for me to address you in order to explain how the case stands.

Lamirande had been sent before you to answer six distinct counts of indictment ; but as the President has just explained to you, and that in conformity with the decree just passed by the Court, you will only have to take cognizance of charges relating to the forgeries. You understand, nevertheless, though you may not be called upon to decide on the whole of the original charges of the indictment, that I must give you a complete statement of the facts.

The *Avocat Général*, after having explained that the Branch of the Bank of France at Poitiers, was founded in 1858, and that from that time Lamirande was appointed cash-keeper, reproduced, with remarks thereon, the facts alleged in the indictment. He gave some details respecting the way in which the current cash account was kept ; he described the cellar where the silver specie was locked up, the bags which contained this specie in sums of 1,000 francs, their size and shape, as well as those of the sacks in which they were stored when a large remittance of silver had to be made.

The Counsel for the prosecution explained afterwards how Lamirande was able to purloin considerable amounts of silver as well as of gold specie. He maintained that the purloining could only have been effected by Lamirande in his own office, where he often found himself alone and without control. In fact, that he could not have purloined any of the silver specie after it had been taken down into the cellar in bags of 1,000 francs, as he never went alone into the cellar ; there were three keys to open it, and three employés of the Bank were necessary to effect the opening. It was, then, in his own office that Lamirande abstracted 200 francs out of each 1,000 francs bag, taking care to reduce the size of the bags ; afterwards, when these bags had been taken down into the cellar, and the doors were shut, it became impossible to guess by whose hands the fraud had been committed. Lamirande acted with great skill in thus conducting his operations ; he made it impossible for the Bank to discover the guilty party ; and if he had not discovered himself by his flight, no one knows who might have been suspected in regard to the silver specie locked up in the cellar.

With regard to the gold specie, said the *Avocat Général*, it is known that he replaced by paper the weight of the coin which he abstracted. The *Avocat Général* finished by recalling to mind that it was to conceal these defalcations, both in silver and gold, the total of which amounted to more than 700,000 francs, that he committed all the forgeries

which the indictment imputed to him.

After calling over the witnesses, to the number of nine, the sitting was adjourned to the next day.

*Sitting of 4th December.*

Yesterday's sitting, which was entirely occupied by points affecting questions of law, could but little interest the audience; nevertheless the public excitement had not subsided, and the crowd to-day, desirous of securing places in the Hall of the Assizes—a rather small one—was not less considerable. The first row of seats in the gallery, over the principal entrance, reserved exclusively for the use of ladies was quite full. Reserved places on the right, on the left, and behind the seats of the Court, were occupied by magistrates, public functionaries, and officers of rank.

Proceedings were commenced by calling over the names of the witnesses nine in number, who were conducted to the room set apart from them.

EXAMINATION OF THE ACCUSED.

*The President.*—At what date were you appointed Cashier of the Branch Bank at Poitiers?

*Lamirande.*—Eighteen months before the creation of that branch, which was established in August, 1858.

*Question.*—Tell us in what your functions consisted?—*Ans.* To receive into and to pay out of what is called the current cash; the surplus of the current cash went to the auxiliary chest, and thence to the cellars.

*Question.*—You were not the only person who held the keys of the cellars and the auxiliary chest?—*Ans.* No. I had one of the keys, the director had the other.

*Question.*—When did you begin to abstract funds from the safes (the cellar).—*Ans.* I think it was at the beginning of 1862.

*Question.*—There were also defalcations in the current cash; when did you begin them?—*Ans.* On the 12th of March, 1865, and I have carried them on since; but I was always hoping to substitute for the bags of gold of the current cash, bags of silver, which I should have had taken to the cellar.

*Question.*—But to substitute is not to restore?—*Ans.* I know that, I had no hope of restoring, but I wished to delay as much as possible the moment when I could be found out, and that is why I was always endeavouring to cover the deficit in the current cash, which might be checked any day, whilst so long as the deficit only existed in the specie deposited in the cellar I could hope that my deception might last for ever.

*Question.*—It has been remarked that the bags in the cellar which had been tampered with were placed under the others; that is quite certain, for bags were found with the stuff rotted, which leads to the supposition that they had been there a long time?—*Ans.* I did not take that precaution; the rotten bags may have become so in a short time on account of the temperature of the cellar.

*Question.*—In short you acknowledge that for the past three years, or three years and a half, you used to take from the reserves in the safe; and that since March, 1865, you have also embezzled from the current cash?—*Ans.* I acknowledge it.

*Question.*—With regard to the rouleaux of gold, you went to work in this manner: you opened a rouleaux, you took out several pieces of gold, and you replaced the weight of those pieces by paper in such a way that if these rouleaux had been weighed without being opened, the weight would have been found correct within about a centigramme. That shows long practice. How much time did you require to tamper in this way with a bag of gold containing 20,000 francs?—*Ans.* About ten minutes.

*Question.*—That appears impossible, you must surely have devoted more time to it?—*Ans.* If I took more than ten minutes, I did not take a quarter of an hour.

*Question.*—What number of bank notes did you abstract from the cash in use?—*Ans.* I do not clearly remember whether it was 465,000 or 485,000 francs.

*Question.*—I am about to ask you a very important question, which I beg you to answer frankly. What have you done with the sums of money you carried off with you?—*Ans.* I spent them first of all in travelling. I bought some clothes. In England I gave an interpreter 7,000 francs. Then I had travelling expenses amounting to 3,000 or 4,000 francs. I spent a great deal in London, passing whole nights without sleep, nine nights

running. It is impossible for me to say how much money I spent during that period. On my passage from England to America I lent 6,000 francs to a Canadian who was going home. This sum he has restored to the Bank.

*The President.*—Let us not speak of what has been restored. What have you done with the remainder of the 465,000 or 485,000 francs you took with you on your departure?—*Ans.* I gave 191,000 francs to my lawyers in New York.

*M. Lachaud.*—Those fellows are not lawyers.

*The President.*—New York lawyers.

*M. Lachaud.*—They do not deserve the name. They are accomplices in the robbery.

*The President.*—What has become of those 191,000 francs?—*Ans.* They were to keep 135,000 francs as a reserve for me, in case I had put in the plea of Extradition, or to return them to me. They have returned 25,000 francs, and the rest has remained in their hands.

*Question.*—What have you done with the remainder of the sums carried off?—*Ans.* I spent 10,000 francs amongst women. I squandered; I gambled; I paid heavy debts.

*Question.*—Who robbed you?—*Ans.* I cannot say. The thieves could not be got at without affecting innocent persons.

*Question.*—Why gamble, since you had large sums of money at your disposal?—*Ans.* It was known that I was not rich. I had large expenses. I gambled in order to induce the belief that I was winning a great deal, and that I found in my gains at play the means of meeting my expenses.

*Question.*—You said that you paid your debts, and yet that they are far from being got rid off?—*Ans.* That is true; but if there still remain debts amounting to about 30,000 francs, I have paid away on this account sums of much greater amount.

*Question.*—Do you acknowledge that for nearly three years, with the object of concealing your defalcations, you have falsified the bank returns.—*Ans.* The returns are not incorrect. These returns would rather serve to ruin me than to disguise the truth.

*Question.*—I know that; but it is not the question I put to you. I ask you whether, on inspection of those returns, the cash deficit could be suspected?—*Ans.* Certainly not. But the state of affairs shown in my returns would be correct were nothing missing from the coffers. My crime commenced with the defalcations, but not when I drew out my returns.

*Question.*—But which, nevertheless, served to conceal your embezzlements?—*Ans.* That is not my opinion. I add that, in making up these returns, I do not consider that I committed forgery either in commercial or in banking accounts.

*President.*—That is a question of law which you must leave to your Counsel. Call a witness.

*M. Lachaud.*—I insist, M. le Président; it is my duty to insist. What I have to say is very important.

*President.*—Your client has been examined on a point to which he would not reply. We cannot allow his advocate to reply for him.

*M. Lachaud.*—I do not wish to undertake to reply for him. What I have to say can do no harm to him or any one else. I have here 110,200 francs (*M. Lachaud* placed before him a packet in a paper envelope.) I wish to give them up. I do give them up, and until they can reach their destination by way of restitution, I place them in the hands of *M. Bourbeau*, counsel for the prosecution. (Applause in the body of the hall.)

*M. Bourbeau.*—I am not empowered to receive them. They had better be placed in hands of the Director of the Bank, who will give a receipt for them.

*M. Lachaud.*—There is no need of a receipt. (The Director of the Bank opened the parcel and took charge of the bank notes inclosed in it.)

*The President to Lamirande.*—There is still missing about 120,000 francs. What have you done with that sum.

*Lamirande.*—I can only give the same answer as before; I cannot say—

*M. Lachaud.*—I should add a few words in explanation of this restitution of 110,200 francs. A hint was given us, to *M. Lepetit* and to myself. We followed up the tracks of the robbery. Every place was searched, even the house-tops. We asked *Lamirande* if



he would give the name of the woman to whom he had intrusted this sum. "No, no," said he, "I would die first. That person has herself been robbed, and I will not have her compromised."

We then devoted ourselves to this object, and we recovered the 110,200 francs which I have just given up. I must add that Lamirande never had this sum in his possession; and that if he asked us for it, we should not have given it to him. (Sensation in Court).

*The President.*—Call a witness.

#### EXAMINATION OF WITNESSES.

The first witness examined was M. Dubois de Jancigny, Inspector of the Bank of France, the same who accompanied the workman who was sent to Poitiers for the purpose of opening the upper compartment of the current cash, the key of which Lamirande had carried off.

This witness confirmed all the details given in the indictment as to the verification of the deficit discovered after the departure of Lamirande.

*The President.*—Is it obligatory on the Cashier to furnish a daily Return showing the state of the cash?

*Witness.*—Nothing is more obligatory; it is by these Branch Returns that the Bank of France fixes the rate of discount. The duplicate of this Return is entered in a book kept at the Branch Bank.

*Maitre Lachaud.*—Are the instructions of the Bank the same for all the Branches as far as relates to making a duplicate of the daily Return?

*Witness.*—I think they have been the same for the last three or four years; formerly copying the Return into a bound book was not obligatory, although it was required by the Directors in several Branches.

*The President to the Witness.*—It is shown by the confessions of Lamirande that your anticipations were well-founded, inasmuch as the first embezzlements go back for more than three years. Now tell us whether he could have effected these embezzlements without rendering false accounts?

*Witness.*—It was the necessary consequence of the embezzlements; without the falsified Returns it would soon have been discovered that there was something amiss in the cash; there would have been an examination, the fraud would have been discovered, and Lamirande would have been arrested.

*Question.*—Lamirande pretends that the daily Returns, far from facilitating his embezzlements, made discoveries more easy, for, he adds, by comparing the Returns with the state of the cash, an account might have been taken—simply weighing the money would have been sufficient.—*Ans.* This argument would be valid if suspicion had been entertained; but the Returns, by concealing the deficit, could not but aid the deception.

*Question.*—Lamirande acknowledges the embezzlement; his reason is apparent; he is not prosecuted upon those counts, but he denies the forgery for which he is prosecuted—his tactics are understood.—*Ans.* In my opinion the two facts, that of embezzlement and that of forgery, cannot be separated; the one came to the assistance of the other.

*Question.*—Explain the nature of the responsibility of the Cashier, both as regards the current cash and as regards the money in reserve?—*Ans.* With regard to the current cash which is in the Cashier's office, the responsibility falls personally and solely upon him. It is not the same as regards the funds in reserve (in the cellar or the safe); here the responsibility is divided between two persons, the Director of the Branch, who has one key, and the Cashier, who has another.

*Question.*—Is it not in consequence of that divided responsibility that the late Director, M. Bailly, has been replaced?—*Ans.* Yes, M. le Président

M. Bailly, who has been for fifty-two years a landowner at Angers, late Director of the Branch Bank of Poitiers, was called to the bar.

*The President.*—Tell us what you know.

*M. Bailly.*—Gentlemen of the jury, on the 11th of March last I received an order from the Bank of France to despatch to the Angoulême Branch, first 1,000,000 and then 500,000 francs. The same day I gave directions to Lamirande, my cashier, to despatch on the next day, the 12th, the 1,000,000 francs, and to make preparation for the despatch of the 500,000 francs on the 13th of March. The issue of these orders brings us to the

13th of March, on the morning of which day I received a letter from M. Lamirande, informing me that he had been suddenly obliged to go to Châtellerault, leaving to M. Quegriaux, chief accountant, his keys, and the duty of despatching the 500,000 francs to Angoulême.

Here the witness entered into the details given in the indictment, of the discovery of the frauds perpetrated in the bags of silver destined for Angoulême, and, at a latter period, in the bags of gold. In the bags of silver 200 francs were uniformly missing per bag; in the bags of gold, the weight of the abstracted coin was replaced by an equal weight of silver coin and paper. These frauds could never have been committed either in the cellar or in the safe: it must necessarily have been in his office that this operation was performed and where the bags were thus altered, but weighing their proper weight; the attendants carried them into the cellar or into the safe, and the doors once closed Lamirande was out of danger, for from that moment the responsibility was divided between him and me. I never intrusted my keys of the reserve to Lamirande, in whom, however, I had the greatest confidence.

*The President*—The cashier then was personally responsible for his current cash: and as regards the reserves you shared the responsibility with him?

*The Witness*—Yes, M. le Président, this is the case in all the Branch Banks. I was myself for long while cashier in a branch, and was responsible for my current cash.

*Question*—How is it that Lamirande was able to continue his embezzlement for more than three years, which is proved in the first instance by his confessions, and secondly by a certain number of the bags found in the cellar being so old?—*Ans.* The cashier has the superintendence of the movement of all funds. When we went down to the reserves he it was who pointed out the divisions from which the bags to be sent away were to be taken. It is quite natural that he should take care not to point out for removal the bags which had been tampered with. To have interfered with his directions suspicions must have been entertained of him.

*The President*—Prisoner, what have you to say on this deposition?

*Lamirande*—Nothing, M. le Président; except to express to M. Bailly my profound regret for the consequences which have been entailed upon him by my conduct.

*Question*.—These regrets have come very late. When, on the 13th of March, you had so well prepared for your flight you did not think of the responsibility which would fall upon him by your carrying off more than 400,000 francs from your cash?—*Ans.* I did not prepare for my flight, I yielded through necessity; I had the choice of suicide or flight.

*Question*.—But not with 400,000 francs?—*Ans.* I might have taken 5,000,000. (Sensation.)

*Question*.—So your discretion is to be praised then?—*Ans.* I do not look for praise, but I wish to state that in the dire necessity in which I found myself I could not leave with empty hands; but that if I had been a thief, I should have taken all that I could lay hands on.

M. Bailly gave evidence in confirmation that the falsified returns of the state of the cash delivered to him each day by Lamirande, could not but lull him to confidence, and aid in the continuance of the embezzlement.

*M. de Grétry Treasurer and Paymaster General at Poitiers*—I have been Receiver at Vienne since 1865, and Inspector (“*censeur*”) of the Branch Bank of Poitiers, it is in this latter character that I have had occasion to have some relations with Lamirande. I do not know him personally, nor am I aware of his antecedents.

On the 13th of March last, I was sent for to the bank by the director. There I was informed that, owing to the despatch of 500,000 francs in silver to Angoulême, it had been discovered that a great number of bags did not contain the sums which they ought to have held, and that the cashier, Lamirande, had written in the morning to the director to say that he had left suddenly for Châtellerault, and had left the keys of the cash with M. Quegriaux, Chief Accountant; at the same time begging him to undertake the despatch of the 500,000 francs to Angoulême. I at once got M. Bailly to go and make a declaration before the Procureur Imperial, where I accompanied him. An express was also sent to the Bank requesting them to send an inspector and a workman to open the upper compartment of the current cash, the key of which Lamirande had carried off.

The remainder of this witness's deposition only refers to what is already known.

M. Lambert, manager ("administrateur") of the Branch at Poitiers, formerly a magistrate, was called to the bar.

*The President*—Several witnesses have already deposed to the facts of which you are called to make your declaration. We request you to sum it up in as few words as possible.

M. Lambert, in fact only confirmed what had been said by the previous witnesses, as well upon the working of the accounts of the Branch, and the removing of funds, as upon the responsibility incumbent on the cashier, and the circumstances which led to the discovery of the frauds.

*The President*—Have you been long manager of the Branch?

*The Witness*—Since its formation, M. le Président.

*The President*—Have you sometimes verified the cash?

*The Witness*—Never, M. le Président, except on the 13th of March, when I was called upon to do so after the flight of Lamirande.

*Question*.—What are the duties of the manager?—*Ans.* Solely to assure himself of the solvency of persons who present bills for discount.

M. Quegriaux, late chief accountant of the Branch, banker at Poitiers, was called.

*The President*—You are called before us, sir, to give us some information on the management of the accounts of the Branch.

M. Quegriaux, after having referred to the facts which preceded and followed the flight of Lamirande, added:—With regard to the accounts this was the arrangement: M. Lamirande, as cashier, gave me the papers. I entered the accounts in my books, and in the evening I checked the balance of my account by that of his cash-book. It was necessary that the two balances should agree, and they always did so.

*The President*—But in order that Lamirande's balance should correspond with yours, it must necessarily have been false.

*M. Quegriaux*.—Doubtless; but I was not aware of the falsity.

*Question*.—How did Lamirande conduct himself at Poitiers.—*Ans.* I was perfectly ignorant on the subject. It is only since his flight that I have become aware that he spent a great deal of money.

*Question*.—It is said from 60,000 to 80,000 francs a year.—*Ans.* That is what I have heard said; but only since his disappearance.

*Question*.—And of what nature was his expenditure?—*Ans.* I have been told that he gambled away a great deal.

*Question*.—Sixty thousand francs, it is stated, at one time, either at Angoulême or at Angers?

*Lamirande*.—I have never been at Angers; and nowhere, not even at Angoulême, did I ever lose 60,000 francs.

*M. Lachaud*.—It matters little. What is certain is, that you have played and lost a great deal.

*Lamirande*.—I own it.

M. Maréchal, a clerk at the Branch Bank, who had to go to the railway with the 500,000 francs despatched to Angoulême, and who, on weighing the bags, found out that from 55,000 to 60,000 francs must be missing, confirmed these facts.

M. Sarrault, attendant in the cash department of the Branch Bank, and Barry, the doorkeeper, likewise went with the 500,000 francs. Both confirmed the facts stated by the clerk, Maréchal. Sarrault, who, besides being an attendant in the cash department was at the same time Lamirande's private servant, added that the day after Lamirande's flight, on going into his room, he remarked that papers had been burnt in the grate.

*The President*.—Lamirande, what papers were those?

*Lamirande*.—I had destroyed acknowledgments for money which I had lent.

*The President*.—I do not understand; what! burnt acknowledgments for money lent?

*Lamirande*.—I was completely bewildered.

*The President*.—Not so completely; all the preparations you made for your flight prove the contrary.

*Lamirande*.—I declare that I was bewildered; the whole of my conduct after my flight leaves no doubt of it.

Maitre Bourbeau, counsel for the Bank of France, was called on to speak for the prosecution.

*M. Bourbeau*—I appear before you on the part of the Bank of France, to defend great interests, interests moral and material, for which, as regards the latter, some reparation has been commenced.

The story of Lamirande is a sad one. You are not called upon to punish in him a mere déviation, a moment of forgetfulness, but a long series of misdeeds; a perseverance in evil which might be called incorrigible; no remorse, no twinges of conscience, ever hindered him; in three years he has squandered 219,000 francs, and that by means of daily tricks. How does he explain them? By his passion for play. Gambling is not an excuse, it can be but an explanation. A day arrives when he can no longer continue his embezzlements, and he takes flight, without considering that he leaves behind him two disconsolate families, his own and that of his unhappy director. He departs; it is not to his own family that he goes to bid farewell, but to two women of that town, upon whom he rains down Danae's golden shower. Let us for a moment follow him; he leaves Poitiers; he goes first to England, then to English America—to Canada. There he becomes the subject of a demand for extradition on the part of the French Government. An incident happens.

*The President*—Do not touch upon the question of extradition. You are aware of the decisions passed by the Court yesterday.

*M. Bourbeau*—I only wished to say two words.

*The President*—Not even two words, *Maitre Bourbeau*. Be good enough to pass that over.

*M. Bourbeau*.—Well, let us say nothing about the extradition, let us also be silent on the subject of the robberies, fraudulent abstractions, and embezzlements, and since henceforth he can only be prosecuted for forgeries in commercial or in banking accounts let us discuss the question of forgery. Can there be a doubt as regards this crime after the explanations which have resulted from these discussions? We do not hesitate to declare that, as far as we are concerned, there cannot be the shadow of a doubt. He made false returns of the state of his cash; that is proved and he confesses it. With what object? With the sole intent of seeking protection from the consequences of his embezzlements by falsifying his accounts. When, therefore, he showed, by his accounts, the existence of so many bags of 1,000 francs, whilst a great number of these bags only contained 800 francs each, did he not commit forgery? See him in his office, whether abstracting 200 francs from bags of 1,000 francs each, or transforming rouleaux of gold into rouleaux of silver, and having these effects taken to the cellar; there is the robbery, there is the embezzlement. But afterwards, what does he do? He takes his pen, and enters in his cash-book and his returns sums which exist no longer, since he has embezzled them. And shall not that be called forgery, and why?

Is not the Bank of France a commercial Company? Does it not trade in the value of gold and silver? Was not Lamirande the clerk of the commercial Company? To all these questions the answers can only be in the affirmative. No, it cannot be said that for three years a cashier can have written a false account of a deficient balance on hand, and yet not be a forger.

See what were the consequences of these forgeries. By the aid of these forgeries he was enabled to pass from the current cash, of which he had the sole responsibility, to the cash in reserve, the responsibility of which was divided between him and the director, a sum of more than 200,000 francs, and this is how the upright director, *M. Bailly*, rests morally responsible for that sum, which he never received.

Entering upon the question of law, the advocate quoted a decree of the Court of Cassation of 1841, which declares that false entries made by a clerk in commercial books constitutes a forgery in commercial accounts. The case cited relates to a clerk who entered as sold, in his master's books, goods which he had stolen.

The Court of Cassation ruled that that constituted forgery, inasmuch as the false entries concealed the truth, and moreover, were calculated to mislead the merchant as to the true state of his affairs. In this case, as well as in the one which we are discussing, forgery is a means of concealing robbery, either committed or about to be committed.

Gentlemen, I have ended my address, and I have demonstrated the injury which may be caused by false accounts in commercial business. Lamirande was a thief. He was necessarily obliged to become a forger. By these forgeries he has been the cause of a triple injury to the bank. First, an injury in regard to money, then a second injury in

leaving it ignorant of the true state of the Poitiers branch—ignorance which hindered it from apportioning its funds where they could be of service; and, lastly a third injury, that caused a superior officer of the bank, the upright M. Bailly, who, even after the loss of his confidential employment, rests under the stroke of the moral responsibility of part of the misdeeds of his faithless cashier.

I have accomplished my task. The proverbial honesty of fair Poitiers has experienced a cruel blow. For three years an individual has labored secretly to inflict upon it this cruel injury; but as is invariably the case, justice, supported by public opinion, has discovered the criminal, and to-day he is handed over to you. Gentlemen, you will do him justice, for I know that your decision will be guided by the conscience of the judge and the indignation of the citizens.

The sitting was postponed till the next day at half-past seven.

*Sitting of December 5.*

The sitting commenced at 11 o'clock, amid the excitement caused by the incident which led to the restitution of the sum of 110,200 francs.

*M. le Premier Avocat-General Gast*, commenced and expressed himself as follows:—

Rarely in a criminal case has the day of trial been more anxiously desired, more impatiently looked for than in this one which is now submitted to your judgment. It is not that this case involves one of those atrocious crimes which spread consternation and terror through society; yet, without possessing this fearful importance, this case has the sad privilege of having raised public indignation to the highest point. Let us state, at once, that this indignation does honor to the human heart. It is, in truth, one of those spectacles that are revolting to the feelings of our nature. Public opinion has been outraged by Lamirande's crimes, at an age when the powers of his mind had reached their full maturity. Lamirande was placed in a confidential position which intrusted immense riches to his care. The severity of the precautions as well as the sentiments of honor and delicacy which he had imbibed in his respectable family, seemed to be a guarantee for the fidelity of his conduct.

What has happened? Lamirande found himself one day hesitating between the desire of yielding to his ignoble instincts and the duty of respecting the treasures intrusted to his care. It so fell out that avarice prevailed over duty. Lamirande crossed the abyss that lay open before him, and after having laid a guilty hand upon the treasures of which he was the guardian, he became a forger.

Once engaged in this criminal course the accused persisted in it up to the time when his crimes were discovered, and Lamirande crowned them all by one yet more heinous.

He wished to assure himself of a rich independence abroad, in order to continue the debaucheries to which he was accustomed. But the Government felt that it was indispensable to see the extradition of Lamirande. Ah! If to cross the frontier were sufficient, the greatest criminals might count on social impunity. Hence the principle of extradition is daily gaining ground. Our most eminent statesman has said "Extradition is a reciprocal guarantee against the ubiquity of evil."

You are, however, aware of the scandal which has arisen in the foreign country where he took refuge. You know how Lamirande, by means of the gold which he had stolen from the Bank of France, was enabled to hire a whole host of instruments who set about quibbling over the conditions of the Treaty. Having taking refuge in Canada, he was at length delivered up to France, and now Lamirande awaits the just chastisement which he has incurred. We do not ask for vengeance, but for justice.

You are aware that Lamirande can only be tried by you for the crime of forgery. You have been told that this criminal has been suddenly touched by the spirit of repentance. You are promised that if he is acquitted upon the charge of forgery he will come and offer himself up as a holocaust on the other heads of accusation. Let us suppose that this is not a forensic stratagem; let us suppose that he may be willing to be tried hereafter for the crimes of robbery and abuse of confidence, that would be no reason for acquitting him upon the question of forgery. In fact, in our eyes, the crime of forgery is clearly proved.

What! there is no crime of forgery in this case? Here is a cashier who every day abstracts money from his cash—who daily certifies to his chief, in his accounts, that all is

correct, the accused was carrying on criminal operations in his cash without reproducing them in his accounts. The accounts are and ought to be a photograph of the cash. This is dictated by common sense.

During yesterday's sittings you heard a magisterial demonstration of the existence of the forgery. There is, first of all, a consideration which is of serious importance. A criminal procedure, previously to its coming before the assizes, has to undergo a double test: first, the preliminary examination; then, if the deed amounts to a crime, the procedure is submitted to the Imperial Court, the Chamber of Indictment. This course has been followed in Lamirande's case.

After having passed in review all the different phases of the procedure, M. le Avocat Général examined into the character of the forgery as regards the law, and applied its principles to the facts of the case. He then drew attention to the enormous injury occasioned to the Bank of France.

Lamirande has precipitated his father into the depths of despair; he has dishonored his name. But chastisement was not long in overtaking him. He received reproof even from that shameless creature whom he kept, who was living by prostitution, and who, on learning his arrest, said, "That man has no heart; I thought he loved his father and mother: he loves no one."

Never has a prisoner appeared before a jury with such an accumulation of crimes. He has accomplished these crimes with unrivalled intrepidity and assurance. His coolness never abandoned him, and everything shows the premeditation of the accused.

What was his motive of action? His motive was the most vile: a thirst for the basest enjoyments, the most ignoble lusts, not to mention the pleasures of the chase, the excitement of the gaming-table was necessary to him; he required the refinements of the most shameless luxury. This finished debauchee must needs have two expensively kept mistresses.

Expatiating on the circumstances attending the restitution of the 110,200 francs, M. le Avocat Général said that it was meant for theatrical effect. That restitution was the act of a thief, who, finding he is pursued, abandons a portion of his booty in order to save the rest. Lamirande would fain contrive to reap the benefit of extenuating circumstances, but the accused is unworthy of it, and the jury will show him no pity. The crimes of the accused have resounded everywhere; the penalty should fall on him in all its weight. You will assure to society, to public conscience, the reparation which is their due.

M. Lachaud, Lamirande's Counsel, expressed himself as follows:—

We, on the side of the defence, have ever recognized the gravity of this case. A cashier who forgets his duty, and who betrays the confidence reposed in him,—nothing is more serious. We should not deserve to be French advocates if we did not agree with those who administer the laws on all that touches honor, probity, and loyalty. But in order that Justice may be impartial, she must take everything into consideration; she must weigh everything with the greatest care. Justice is the most important thing in the world, for it belongs to God. But, after having acknowledged the enormity of the crime, you must take account of the accused, of his life, his weakness, his unheard-of sufferings. Unless you will take all this into account, it will be not justice but vengeance, which M. l'Avocat Général desires no more than I do.

The wretched man whom I defend is 42 years of age. Of his family I will say nothing. Who is there here who does not know that everybody pities, esteems and loves his venerable father, whom God has allowed to live too long, since he witnesses the dishonor of his name?

I will not speak to you of his pious mother, nor of his brother—a most worthy man. The wretched Lamirande stands before you under the weight of a terrible accusation. Let him accept this new indignity, and let it be to him the most ineffaceable of misfortunes.

When the storm lowered over his unhappy family, people were considerate towards them; I mention the fact as an honor to the country. Alas! Lamirande knew not how to be a son worthy of those good people. His youth was marked by deviations, by follies, by prodigality; and when, in 1858, he was made a cashier, he owned more than 50,000 francs. The wish to benefit this young man led, perhaps, to the commission of an imprudence.

The cashier should be a man of unassuming habits, of frugal life. He is the most perfect representative—he ought to be so—of accuracy and modesty.

That man who will see open before him the treasures of the Bank of France; he will struggle for a long time; when he shall succumb you will call him a criminal. Oh, these treasures ought not to have been intrusted to him.

Up to 1862, Lamirande's conduct had been irreproachable. His small debts increased. He did not, indeed, indulge in the luxury but in the disgrace of two mistresses. One of them I pity; of another I do not speak, and for her I leave to M. l'Avocat Général the right of expressing all his contempt at his ease.

One day, when he was harassed on all sides in the midst of his engagements, there was a deficit; he was short of 5,000 francs. That is not much in accounts such as those of the Bank of France. Distressed, and not daring to impose a new sacrifice on his family, he committed a theft; the abyss was opened. When the first step in his path has been taken, wickedness strides on, evil urges us forward, we become its slave. That is what happened to the wretched man. After having provided for the deficit, he paid his debts; he gambled, he reckoned on good luck, he lost, and after having lost 100,000 francs, from fault to fault, from fall to fall, he at last took flight, as you know.

This terrible affair will serve as a great example for all cashiers. The fact of the case shows that Lamirande's precautions were ridiculous. He cut open the bags, he replaced gold by silver, but examination was possible; he was at the mercy of the first serious inspection.

You recall to mind Lamirande's flight; going in his uneasy conscience to seek a refuge in Canada, betrayed on all sides. His sufferings were so severe, that I ask myself whether it be not preferable to stand at the bar of infamy. When he was taken into custody in Canada, how much, think you, had he left? Eighteen francs; he who carried off half a million. And when he wrote to those men, whom I certainly shall not call lawyers, for a small sum, he received no answer.

These are the miseries which he has experienced. When he came back to France in rags, the Police Agent was forced to lend him clothes, to enable him to embark on the boat which brought him into France. Alas! what a lesson!

I might speak of yesterday's incident. We might ask ourselves, my colleague and I, how we have been benefited by the restitution made in court yesterday; if the counsel for the defence were not men of upright character (for which we thank nobody); there might be danger in acting as is right. No, no, M. l'Avocat General, we did not want to produce a theatrical effect. The money was handed into the court because we did not think it proper to give it up sooner. If we restored that money, it was because we, and not Lamirande, recovered it.

Let me say to my colleagues at the bar, that which we have done with heart and honor, you would have done likewise, but many sleepless nights you would have passed in consequence. These are the facts. I, gentlemen, am proud of them, and my colleague, Lepetit, is as proud of them as I am.

We in France are not Yankee lawyers. Three heads of accusation have been laid to the charge of Lamirande. Theft, embezzlement and forgery.

The counsel, after having laid aside the two first heads, examined the legal character of forgery.

Article 147 punishes (why should I not say so? There is nothing that I am aware of to prevent it.) Article 147 of the Penal Code punishes the crime of forgery with penal servitude for a term. But where do you find perversion of the truth. The cash book is correct, the returns include the amount of capital in all the coffers of the Bank. Now you are aware that there were three divisions of the cash. The Accountant's documents alone served to make out the return. As to the cashier's accounts they were right. But where is the obligation, the discharge. Show me the engagement in favor or against any one. They have told you that there was therein a complete discharge, imposing the responsibility upon one who ought not to have borne it. This pretended discharge, of which you have been told, cannot then impede you. But where then is the injury? I appeal to Maître Bourbeau, who is my colleague, and with whom I can allow myself greater latitude than with the Avocat Général.

It is because there may be a moral injury that it can be said that there is a real

injury, as the law understands it. Oh! but it said, you have imposed on the Bank. I answer that the Bank is not the less rich for a million more or less, so long as its credit is not affected. Yes, I have imposed on the Bank, I have imposed on it by robbing, but not by forgery.

The Bank of France has current accounts. If the current account is not correct, there may be a wrong, a perversion of truth. That is a forgery. But to have perverted truth, and to have caused a moral injury, is not sufficient. The lie in writing is not sufficient. That may be a swindle, it may be a fraudulent scheme. Well, the cashier's book, my own book, has not been falsified.

What you attack are the internal accounts of the Bank. But the unhappy man there, however guilty he may be in your eyes in a moral point of view, is nevertheless not a forger.

Above all, the jury are bound by their oath, if forgery has been committed that man must be judged guilty of forgery. Be assured I do not ask impunity for that man. He will not get off; he does not wish, and I do not want it.

Here is the declaration which I have been commissioned to read to you, in the name of Lamirande, and I pass my word for him:—

“I, the undersigned, Sureau Lamirande (Ernest Charles Constant,) solemnly declare that, if the verdict of the jury, who have to determine on the crime of which I am accused, and which I protest I never intended to commit, is in the negative, I do not intend to avail myself in any way of the privilege of the Treaty of Extradition with England; that, on the contrary, I ask in that case to be tried by the Court of Assize of Vienne, for the acts of embezzlement and theft which are laid to my charge by order of the Court of Indictment.

“I am therefore prepared to surrender myself as a prisoner, and I request my Counsel to place this declaration in the hand of the Attorney General.

(Signed,)

“LAMIRANDE.”

Ah! M. l'Avocat Général, did you not understand how I was situated in this matter. We did not wish to shelter ourselves behind Treaties of Extradition. Away! away! We do not have recourse to such means. We wear the long robe as well as magistrates. The colour is of no consequence; conscience is everything.

In three months Lamirande will be here, and you will try him,—you or others. I wish him to have the benefit of his courage; I wish him, after the verdict of the jury, to be free before the law, but to be a prisoner before justice, and by his own free will. We advocates appreciate above all things compassion. The advocate for an accused man sustains and raises him; he speaks to him of remorse, of God, and of atonement.

We are physicians of the mind, happy and proud to be so. That man will be acquitted, but justice will be done in three months.

I have pleaded my cause according to the view I have taken of it; I have spoken the truth. In three months we will not say that the law is for us, but that it is against us; no doubt we shall endeavour, in a certain measure, to soften the hearts of the jury towards so much suffering.

Alas, for the unhappy man! If you only knew what he has suffered. Yes, before taking his place on that bench, he found yesterday in his prison these three letters, which I wish to read to you. Whilst reading these lines I was deeply moved, and you will share my emotion.

Here is, first, the letter of Lamirande's pious mother:—

“DEAREST UNHAPPY CHILD,—I did not wait for your cry of lamentation before forgiving your crime. I feel an intense compassion for you in thinking of the lot which you have prepared for yourself, and the sufferings which you have brought upon yourself.

“I fervently pray Heaven that your judges may be indulgent, and that God may forgive you as your mother forgives you.

(Signed,)

“A. S. LAMIRANDE.”

Here is the old man's letter to his son:—

“I know that the hour of repentance would precede the hour of justice; and, unhappy



child, I forgave you from the day in which you acknowledged your error. I have suffered in a deeper degree than you, the miseries which are the inevitable consequences of your shame, and of your flight. I shall suffer still from the terrible penalties which will be inflicted on you. I shall not complain if you can support your suffering with dignity, and continue in your repentance.

"I need not tell you that we all pray that your Judge may be indulgent, and give you credit for an honorable life till the day in which you failed in honor and probity.

"Repent and God will aid you.

"Your unhappy father,

(Signed,)

"S. LAMIRANDE."

Lastly, Lamirande's brother wrote as follows:—

MY POOR BROTHER,—Your past sufferings, your present sufferings, infinitely sharper, fill us with compassion for you; but it is not on their account that we forgive you. It is on account of your repentance which we think sincere and complete. There is your refuge; there alone can you recover peace with yourself. It is only by repentance that hereafter, by dint of courage, patience and denial, you can regain self-respect. We will support you with all our might in the accomplishment of that work which is impossible at present, but will not always be so. Have courage, then; our love will not fail you, if you will be firm enough to be worthy of it. It will aid you in regaining our esteem.

(Signed,)

"LAMIRANDE.

"P.S.—Mathilde joins in the sentiments which I express."

I will add nothing to these letters. Lamirande is dead as regards the world. In three months' time he will be condemned by the Court of Assize; but if men are severe, God will be compassionate to him. A future of love exists in those letters which I return to him. His parents will still live to forgive and love. There stands the case. The hour approaches; it is nigh at hand; but do not without necessity violate the law. I reckon upon you, gentlemen, because you are men of feeling and of conscience, and because you will not strike till it is necessary to do so.

This sitting was suspended till a quarter past 2 o'clock.

After the replies of the Avocat Général and of Maître Lepetit, the President summed up the arguments; the Jury then retired to deliberate. At the end of three quarters of an hour they brought in a verdict of guilty upon the charge of forgery and of the employment of falsified papers. They acknowledged that there were extenuating circumstances in favor of the accused.

The Court, after deliberation, condemned Sureau de Lamirande to ten years' imprisonment (*reclusion*).

Lamirande appeared overwhelmed.

(No. 24.)

Earl Cowley to Lord Stanley (Received, December 15).

PARIS, December 13th, 1866.

MY LORD,—In compliance with the instructions contained in Your Lordship's despatch of the 7th instant, to inquire into the correctness of the statement of a daily paper that, a few weeks since, a criminal whose capture or surrender had been improperly obtained in France was, after a conviction and sentence in France, sent back to Switzerland by order of the Imperial Government; I desired M. Treite to make enquiries, and I now inclose copy of a letter which I have received from that gentleman, from which Your Lordship will perceive that he has not been able to find any trace of such a case having occurred recently.

M. Treite considers that the newspaper refers to the case of Dermenon, in 1840, of which he gives a summary, and which turned less on the irregularity of the extradition than on the principle that an accused person can only be tried on the charges upon which the extradition had been granted.

M. Treite also states that the only point in this precedent which has any bearing on Lamirande's case is, that it follows from it that, when the Executive declares an extradition not to have been made according to law, it can waive, and give up the individual.

I have, &c.,

(Signed,)

COWLEY.

(Inclosure in No. 24.)

(Translation.)

*M. Treite to Earl Cowley.*

PARIS, December 11, 1866.

MY LORD,—Your Excellency has been pleased to communicate with me respecting a criminal whom, according to a certain newspaper, the French Government had, a few weeks ago, sent back to Switzerland on account of the irregularity of the extradition, a fact which would constitute a precedent for the restitution of Lamirande.

I hasten to inform your Excellency, in reply, that, notwithstanding my researches, I have not been able to trace any such case of a recent date; and unless, indeed, it has been deeply buried in the secret recesses of the Chancery, I do not think that such a case exists.

There must have been a misapprehension in the newspaper assertion. The precedent to which allusion has been made, evidently relates to the case of one Dermenon, tried in 1840, and in which it was less the irregularity of the extradition that was in question, than the principle that the accused can only be tried for the reasons or charges on account of which the extradition had been effected. This is the case: A criminal named Dermenon had taken refuge in Switzerland. He had been indicted for fraudulent bankruptcy before the Court of Assize of the Department of Côte d'Or, at Dijon. The commitment of the Court of Assize provided that Dermenon should be eventually arraigned before the Tribunal of Correctional Police for the misdemeanor of simple bankruptcy and breach of trust, if he were acquitted on the charge of fraudulent bankruptcy. The extradition of Dermenon was demanded on account of the latter charge, and was granted by the Canton of Geneva, but the jury acquitted Dermenon.

The Procureur Général of the Dijon Court then inquired of the Minister of Justice whether Dermenon should be tried for the misdemeanors of simple bankruptcy and breach of trust. The Minister replied, that as the accused had only been surrendered on the charge of forgery, he could not be put upon his trial for other reasons, and that he must be reconducted to the frontier. But the Canton of Geneva refused to receive him, and Dermenon was brought back to Dijon, where he was taken before the Tribunal of Correctional Police, on the charge of breach of trust and simple bankruptcy. The accused alleged his *status* as a refugee; the enforced irregularity of his presence in France, &c. The Police Tribunal allowed Dermenon's objections, and ordered him to be taken back to the frontier. But the Procureur Général appealed against this decision, and the Court, revising the judgment of the Tribunal of the first Instance, decided, by a decree of August 14th, 1840, that the case should be tried, on the ground that "if Frenchmen prosecuted in France for crimes and misdemeanors, are protected by the inviolability of a foreign territory, they cannot avail themselves of the inviolability when the foreign country rejects them."

Dermenon appealed to the Court of Cassation against this decision, and the Supreme Court, by a Decree of the 4th of September, 1840, quashed the sentence of the Court of Dijon, because it ought to have suspended the proceedings, considering that the question was, whether the refusal of Geneva to receive the accused, amounted to a regular extradition, and that Government alone was competent to decide the point.

The Executive Power, in fact, decided that Dermenon could not be tried on account of the irregularity of his extradition, and ordered him back to the frontier.

As you will perceive, the principal doctrine which results from these facts is, that the French Government would not allow Dermenon to be tried on charges other than those on account of which his extradition had been demanded and obtained.

The French Government has always observed this principle, of which there are numerous instances, amongst which may be cited that of an individual, who, in 1815, had been condemned for crime through contempt of court. The same individual was subsequently arrested for complicity in the attempt to assassinate the Duke of Wellington. The Government procured his extradition on this charge, but he was acquitted by the jury, and was able to go abroad again.

But, in the second place, it results from the Dermenon case that the French Government would not consider as regular an extradition founded merely on the refusal of a foreign Government to receive an accused person who already had previously found a refuge

in its territory. It further results, that when the executive power finds that an extradition is not according to law, they can decline to take advantage of it, and give up the person surrendered. This is the sole point in which the Dermenon precedent affects the case of Lamirande.

It was to this Dermenon decision that the Avocat Général made allusion during the Lamirande proceedings, when he urged that the judicial authority was altogether incompetent to decide upon the facts of extradition, with the single exception of a case in which the extradition had been effected without intervention of the executive power, and then the Judge ought to suspend the proceedings until such time as the Government had pronounced a decision on the regularity of the extradition.

Besides, this is the principle enunciated in the famous Chancery Circular of April 5, 1841, which brings clearly out all the points of extradition practice in France.

Thus, if any doubt arises respecting the legality of the extradition, the judicial authority will grant a delay, and in order to preserve intact the distinction between the judicial and executive powers, will await the decision of the latter authority, which alone can interpret international treaties. There was no occasion in the Lamirande proceedings to grant a delay, for the Government had decided that the extradition was regular and had sent the person surrendered for trial.

These doctrines are generally adopted by French publicists, but the dispute arising from the extradition of Lamirande is also generally regretted.

If it be true that this prisoner, regularly surrendered by the proper authority, was so surrendered in a manner not within the provisions of the English law, and under unusual circumstances the French Government ought not to take advantage of that extradition.

This would be the only means of preparing the way for a good treaty, which is indispensably necessary for both sides of the channel.

Accept, &c.

(Signed,) TREITE,  
Avocat de la Cour Impériale.

(No. 25.)

*Earl Cowley to Lord Stanley (Received, December 20).*

PARIS, December 19, 1866.

MY LORD,—In taking leave of M. de Moustier this afternoon, I recommended to his attention the last communication which I had made to him on the subject of Lamirande's extradition.

His Excellency replied that the French Government could do nothing more; that if Her Majesty's Government had any claim to make upon the Imperial Government in consequence of the infraction of the Extradition Treaty, it should be put forward officially, and supported by proofs. The Imperial Government would be quite ready to consider a demand of the kind and to examine it upon its merits; and he could assure me that if Her Majesty's Government could make out a case, Lamirande should be surrendered to them.

I observed that it would be, in my opinion, preferable to make this question the subject of a confidential, rather than of an official inquiry. M. de Moustier rejoined that under any circumstances, it must partake of an official character.

I have, &c.,

(Signed,) COWLEY.

(No. 26.)

*Lord Stanley to Admiral Harris.*

FOREIGN OFFICE, December 20, 1866.

SIR,—In the second leading article of the "Daily News" of the 7th instant, it is stated, "It is only a few weeks since that a criminal, whose capture or surrender had been improperly obtained in Switzerland, was, after conviction and sentence in France, sent back to Switzerland, by order of the Imperial Government, on the ground of the antecedent irregularity."

I have referred to Her Majesty's Ambassador at Paris on this subject, but I have not been able to obtain any information of a case answering the above description, and of so recent a date as is stated in the "Daily News."

I have therefore to instruct you to furnish me with any particulars of which you are in possession, in explanation of the statement above referred to.

I am, &c.,

(Signed,)

STANLEY.

(No. 27.)

*Admiral Harris to Lord Stanley, (Received, December 30).*

BERNE, December 28, 1866.

MY LORD,—In accordance with the instructions contained to your Lordship's despatch, dated the 20th instant, I have obtained the details of a case, doubtless the one alluded to in an article of the "Daily News" of the 7th instant, in which it is stated that "a criminal, whose capture and surrender had been improperly obtained in Switzerland, was, after conviction and sentence in France, sent back to Switzerland, on the ground of the antecedent irregularity.

The following are the correct details supplied to me by the Swiss Government:—

On the 25th of last June the French Ambassador demanded the extradition of two Frenchmen, André Balmot and Ferdinand Courtis, commercial travellers, arrested at Geneva on charges of "*crime de faux et usage de pièces fausses*," in accordance with the terms of the existing Treaty of Extradition between France and Switzerland.

The Federal Council acceded to the request, and the prisoners were handed over to the French authorities on the 5th of July. On examination before the Judge d'Instruction at Lyons it was found that the original charges could not be sustained; nevertheless, they were remanded to prison and summoned before the Tribunal Correctional at Lyons on a charge of "*Abus de confiance et excoquerie*." This being in legal classification a "*delit*" and not a "*crime*," is not included in terms of the Extradition Treaty; consequently the prisoner's counsel protested, and would not allow them to plead. They were withdrawn from the bar, but the trial proceeded and they were condemned "*en contumace*."

They appealed through their counsel to the Swiss Government, who instructed their Envoy at Paris, M. Kern, to make a reclamation on the subject.

In a note, dated the 31st August, M. Kern informs the Federal Council that previous to applying to the French Minister of Foreign Affairs he had made inquiries of the Minister of Justice, who informed him that instructions had already been issued, on the 23rd of August, to the authorities at Lyons to convey the two prisoners to the Swiss frontier and release them.

The Minister of Justice further told M. Kern, that incorrect statements had been published in a pamphlet in London, respecting this case, which would be refuted in the "*Moniteur*."

I have, &c.,

(Signed,)

E. A. J. HARRIS.

(No. 28.)

*Lord Stanley to Mr. Fane.*

FOREIGN OFFICE, January 9th, 1867.

MY LORD,—Her Majesty's Government have been awaiting with some anxiety the observations which, as reported by Lord Cowley, in his despatch of the 20th of November, M. de Moustier proposed to offer on the communication made to His Excellency by Lord Cowley, on the 16th of that month, respecting the case of M. Lamirande.

M. de Moustier, in the conversation recorded in that despatch, showed a disposition to demur to the view taken by Her Majesty's Government in regard to demands for extradition not being properly made by a Consular officer, and spoke of being unable then to discuss the question, whether the crime of which M. Lamirande was accused was or was not forgery.

Since that conversation M. Lamirande has been tried and convicted, and is understood to have appealed against the decision of the Court; but little more has been elicited from

the French Government than an expression of readiness to meet any official demand which might be addressed to it with a view to effect the release of M. Lamirande.

Although the Law Officers of the Crown, at an earlier stage of the discussion, expressed their opinion, as stated in my despatch to Lord Cowley of the 10th of November, that Her Majesty's Government could not demand, as of right, the surrender of M. Lamirande, I have, nevertheless, submitted the question to them again, on the strength of what passed between Lord Cowley and the French Minister, as reported in His Excellency's despatches of November 13 and 20, and of the 19th of December.

I have also placed before them the case of surrender of a prisoner many years since, on account of defect in regard to his extradition, as well as the still more recent case which occurred last summer, to which Admiral Harris refers in his despatch of the 28th of December, in order that they might consider whether such cases afforded any grounds on which a demand for the release of M. Lamirande could be supported.

I have not yet received the opinion of the Law Officers on these later references, and I am still expecting from you the particulars respecting the Swiss case of last year, into which you have directed M. Treite to inquire.

In the meanwhile, however, I should wish you to remind M. de Moustier, of his conversation with Lord Cowley, of November 20, and inquire whether His Excellency has so fully informed himself on the points then brought to his notice as to enable him to explain the views of the French Government.

Her Majesty's Government are very anxious that any communications between the French Government and themselves on this question should be brought to a close, favorable, they trust, to M. Lamirande's release, before the meeting of Parliament, when the case is sure to be publicly discussed, both as regards the proceedings of the Colonial Government in surrendering the prisoner, and the retention of him in custody by that of France.

The latter point is the only one to be considered internationally, but the bearings of it on the general question of extradition are very important, and Her Majesty's Government much fear least, even though the retention of the prisoner in France may be strictly legal, and not susceptible of any complaint being made on the ground of disregard of international obligations, or even courtesies, the possibility of such a state of things resulting from a Treaty of Extradition may influence Parliament not only to refuse to renew the Act of last Session, but even to require the Government to put an end, at all events, to the Treaty of 1843, if not to all Extradition Treaties whatever.

Such a course will be fraught with much injury to the commercial interests of both countries, and it is in the hope that the necessity for taking it may not arise; that without waiting for the opinions of the Law Officers, as to making a formal demand, I have to instruct you again to see M. de Moustier on the subject, and in the same confidential form in which the question has hitherto been treated, endeavor to persuade him to recommend that M. Lamirande should be set at liberty.

I should wish to be informed, as soon as possible, in what state M. Lamirande's appeal now is, and when it may be expected to be decided.

I am, &c.,

(Signed,)

STANLEY.

(No. 29.)

*Mr. Fane to Lord Stanley (Received, January 12.)*

PARIS, January, 11, 1867.

MY LORD,—With reference to my despatch of the 4th instant, I have the honor to inclose, herewith, copy of a Report addressed to me by M. Treite on the Franco-Swiss extradition case referred to in your Lordship's despatch of the 31st ultimo, and on its bearings on the case of M. Lamirande.

I have now directed M. Treite to inquire into the exact state in which M. Lamirande's appeal is, and when a decision upon it may be expected, and to furnish me immediately with a report embodying the result of his inquiries.

I expect to have an opportunity to-morrow of bringing the case of M. Lamirande once

more before the Marquis de Moustier, in obedience to the instructions conveyed to me in your Lordship's despatch of the 9th instant.

I have, &c.,

(Signed,)

JULIAN FANE.

(Inclosure in No. 29.)

(Translation.)

*M. Treite to Mr. Fane.*

PARIS, January 11, 1867.

M. LE MINISTRE,—You have been pleased to direct me to make inquiry into a case of Extradition between France and Switzerland, a case which had probably occurred during the year 1866, and which might form a precedent for that of Lamirande.

The case had remained buried among the papers of the Chanceries belonging to the two countries, but, thanks to the introduction you gave me, the Minister of the Helvetic Confederation has made me conversant with the whole affair, and here it is.

In June, 1866, two Frenchmen, André Balmont and Ferdinand Courtis, who had fled to Switzerland, were arrested in the Canton of Geneva and given up on the demand of the French Ambassador at Berne.

These two individuals were accused of forgery and of uttering forged papers, crimes within the purview of the Extradition Treaty. The prisoners Balmont and Courtis were arraigned before the Court of Assize of the Rhone, sitting at Lyons. They were acquitted by the Jury on the charge of forgery.

The Procureur Général wished to try them before the Tribunal of Correctional Police for swindling and breach of trust, two charges of misdemeanor of which they were likewise accused.

But they opposed the attempt of the Procureur Général, and invoked the aid of both of the Swiss Federal authorities and of the Ministry of Justice. Having refused to appear before the Tribunal of Correctional Police, they were condemned through default or through contempt of Court. The Federal Council wrote, on the 24th of August, to the Swiss Minister at Paris, desiring him to remind the French Government that as the Extradition only referred to the crime of forgery, it was not competent to try Balmont and Courtis for other offences, unless indeed the accused gave their consent.

The Swiss Minister, before applying officially to the Minister for Foreign Affairs, made some-unofficial inquiries at the Ministry of Justice, and he was told in reply that on the 23rd of August, even before the letter of the Federal Council was written, the Minister of Justice had of his own accord ordered the Procureur Général of Lyons to cause Balmont and Courtis to be reconducted to the frontier.

The Swiss Minister had, therefore, no further demand to make, and on the 31st of August he returned the documents to his Government.

Thus, in this case, there was no diplomatic intervention, and the "Daily News" was mistaken in mentioning this case as a precedent for that of Lamirande. Besides, the Minister of Justice, in causing *proprio motu* the two accused persons to be reconducted to the frontier, only conformed to the constant rule of law of which I have already in my preceding communication cited examples, and which is thus laid down in a Ministerial Circular of September 5, 1841:—

"It results from the principle that extradition cannot be granted for a misdemeanor—(*délit*)—that if an individual who has committed an act which is criminal in France is given up to the French Government to be tried for this act, and if at the same time he is accused of a misdemeanor, he must not be tried for that misdemeanor.

"The application of the principle is susceptible of some difficulties. It is clear that, if the misdemeanor stands alone, it will be easy to try the individual surrendered for the crime only.

"But in certain cases the misdemeanor is connected; besides, it often becomes, by reason of its connection, an aggravating circumstance. When these difficulties arise you will refer them to me, and I will let you know, together with my opinion, the precedent of my Department."

Such is the language held by the Minister of Justice to the Procureur Généraux; the accused persons can only be tried for the crimes that are provided for by Extradition Treaties.

This circular is very important. It sums up the whole practice, in matters of extradition, as it has ever been followed by the French Government.

I have found it impossible to get a copy; but, as it is very long, I am going to have it reprinted, and shall have the honor of sending you a copy, as well as one to the Swiss Minister, according to his request.

I think, then, that I am not rash, in persisting in the opinion which I gave on the 10th of December last, namely, that there is no precedent applicable to the case of Lamirande.

Accept, &c.,  
(Signed,) TREITE.

(No. 30.)

*Lord Stanley to Mr. Fane.*

FOREIGN OFFICE, January, 12, 1867.

SIR,—Her Majesty's Government have given their best consideration to and have consulted the Law Officers of the Crown on Lord Cowley's report, contained in his despatch of the 19th December, of his conversation with M. de Moustier respecting the case of M. Lamirande, and they gather from it that unless a formal application for the surrender of M. Lamirande is made to the French Government, that object will probably not be effected.

Her Majesty's Government would have much preferred that the question should have been set at rest, as it has hitherto been discussed, by informal rather than official representation on their part; but as the French Government seem to consider the latter course preferable, I can no longer hesitate to say that although even now Her Majesty's Government are advised that they cannot demand the surrender of M. Lamirande as a matter of right, yet it is their desire that you should at once make an official request for his surrender.

You will observe that Her Majesty's Government contend that the extradition of M. Lamirande was unauthorized by the Treaty of 1843, and by the Statute giving effect to that Treaty, on two grounds.

First, that the demand made for his extradition was not made through the intervention of such a Diplomatic Agent as is contemplated by the Treaty, and the British Statute confirming it, and,

Secondly, that the offence charged against M. Lamirande was not the offence of "*faux*" or forgery contemplated by the Treaty.

As regards the first point, M. de Moustier, in his conversation with Lord Cowley, reported by the latter in his despatch of the 20th of November, seemed disposed to contend that the French Consul General was, under the circumstances, an accredited Diplomatic Agent, within the meaning of the Treaty and Statute.

The Governor General of Canada, by appearing to treat the French Consul General as an authorized Agent, within the meaning of the Act, certainly made himself a party to such a construction.

It is to be observed, however, that the British Statute reproduces the term "Diplomatic Agents," which alone appears in the Treaty, and limits to persons so qualified the right to demand extradition under the French Treaty. If a more comprehensive significance had then been considered to be attached to that term, there was no reason why it should not have been set forth in the Statute, in the same manner as the Statute passed on the self-same day, namely, the 22nd of August, 1843, for giving effect to the Extradition Article of the Treaty with the United States of the previous year. No mention was made of the specific character of the officer who should make the demand for extradition, but only that the requisition should be "made by the authority of the United States," the Treaty specifying in general terms, "Ministers, officers, or authorities," as the channels through which requisitions should be made, and not, as in the case of the Treaty with France, defining these authorities as Diplomatic Agents. In the absence, therefore, of a more comprehensive term than that of "Diplomatic Agent" in the British Statute, it is impossible for Her Majesty's Government to accede to M. de Moustier's view that for the purposes of demands of extradition a Consular Agent can be recognized as a Diplomatic Agent, under the Treaty of 1843.

The Act of Congress of 1848, giving effect generally to Treaties of Extradition concluded or to be concluded with foreign Powers by the United States, merely specifies that requisition shall be made by the "proper authorities" of the foreign governments, and that term would seem sufficiently large to include others than Diplomatic Agents alone as the medium of requisition. But the British Statute admits of no such comprehensive construction.

As regards the second point arising in the case, Her Majesty's Government consider that the crime with which M. Lamirande is charged does not amount to forgery according to British law, and therefore does not so according to the mind of the British negotiator of the Treaty, or the intention of the British Legislature when giving effect to it.

The French Government are understood to hold that the crime comes within the term "*faux*," employed in the French version of the Treaty, as the equivalent of the term "forgery" employed in the English version. Each government may be right in their respective contentions, as to the import of terms used in the several languages, but when so material a difference exists between the two parties to a Treaty, it may not be unreasonable in the party who will suffer by an adverse construction to press the other party not to insist on its own.

But even admitting, with the French Government (which, however, Her Majesty's Government are by no means prepared to do), that under the exceptional circumstances the requisition of a consular agent for the surrender of a prisoner, under the Extradition Treaty may be accepted in lieu of that of a diplomatic agent, Her Majesty's Government must observe that no such exceptional circumstances can be pleaded in the case of M. Lamirande.

His crime, whatever it may be, was not committed in a French colony, nor was the warrant for his apprehension issued by a French colonial magistrate, and conveyed direct to Canada, without passing through France; but the crime was committed in France, the warrant was issued by a magistrate in France, and it was probably conveyed by the person who was the bearer of it through England, or at all events might have been so conveyed without inconvenience or sensible delay. There was therefore no necessity for disregarding, in this case, the usual practice of applying to Her Majesty's Government for the extradition of M. Lamirande, under that warrant, through the French Diplomatic Agent in England.

On all these grounds, therefore, Her Majesty's Government trust that the French Government will be disposed to view with favor the application which I have now to instruct you officially to make to them for the surrender of M. Lamirande.

I am, &c.,

(Signed,)

STANLEY.

(No. 31.)

*Mr. Fane to Lord Stanley (Received, January 14.)*

(Extract.)

PARIS, January 13, 1867.

I had a long conversation yesterday with the Marquis de Moustier, on the subject of the extradition of M. Lamirande.

The result of that conversation was a declaration on the part of His Excellency of the sincere desire of the Emperor, and of the Imperial Government, to do strict justice in this case, and to prevent its becoming the subject of unpleasant controversy between the two Governments.

The views of Her Majesty's Government, M. de Moustier said, had hitherto been submitted to the Imperial Government in too vague a form to admit of a specific reply being given to them.

If these views, together with any application which might be founded on them, were formally submitted in writing to the Imperial Government, they should be considered with every desire to satisfy scrupulously the ends of justice.

His Excellency added, however, that if the release of M. Lamirande should be demanded as a matter of favor, it would be impossible for the Imperial Government, in view of their responsibility to the law, and to public opinion, to accede to it.



But if it was based on claims of right and justice, these claims would be examined with every desire to satisfy them if they should prove to be legally admissible.

I received this morning your Lordship's despatch of yesterday's date, instructing me to make an official application for the release of M. Lamirande to the Imperial Government. I have accordingly drawn up a draft of note to M. de Moustier, copy of which I have the honor to inclose.

I shall keep my note to M. de Moustier in my possession till to-morrow evening, in order that your Lordship, should you desire any alteration to be made in it, may instruct me to that effect by the telegraph.

(Inclosure in No. 31.)

*Draft of Note from Mr. Fane to M. de Moustier.*

PARIS, January, 1867.

M. LE MINISTRE,—Your Excellency, in conversation with Earl Cowley and with myself, on the subject of the extradition of M. Lamirande, has expressed a desire that the views of Her Majesty's Government upon this case, and any application which may be founded upon these views, should be formally addressed to the Imperial Government, in a written statement.

In accordance with that desire, and in obedience to the instructions of Her Majesty's Government, I have now the honor of submitting such a statement to Your Excellency.

Her Majesty's Government contend that the extradition of M. Lamirande was unauthorized by the Treaty of 1843, and by the Statute giving effect to that Treaty, on two grounds.

First, that the demand made for his extradition was not made through the intervention of such a Diplomatic Agent as is contemplated by the Treaty and the British Statute confirming it; and,

Secondly, that the offence charged against Lamirande was not the offence of "*faux*" or forgery, contemplated by the Treaty.

As regards the first point, Your Excellency, in your conversation with Lord Cowley, seemed disposed to contend that the French Consul General was, under the circumstances, an accredited Diplomatic Agent within the meaning of the Treaty and Statute.

It is to be observed, however, that the British Statute reproduces the term "Diplomatic Agents," which alone appears in the Treaty, and limits to persons so qualified the right to demand extradition under the French Treaty.

If a more comprehensive significance had then been considered to be attached to that term, there was no reason why it should not have been set forth in the Statute, in the same manner as in the Statute passed on the self-same day, viz., the 22nd of August, 1843, for giving effect to the Extradition Article of the Treaty with the United States of the previous year. No mention was made in that Statute of the specific character of the officer who should make the demand for extradition, but only that the requisition should be "made by the authority of the United States;" the Treaty specifying in general terms, "Ministers, officers, or authorities," as the channels through which requisitions should be made, and not, as in the case of the Treaty with France, defining those authorities as Diplomatic Agents.

In the absence therefore of a more comprehensive term than that of "Diplomatic Agents" in the British Statutes, it is impossible for Her Majesty's Government to accede to Your Excellency's view that, for the purposes of demands of extradition, a Consular Agent can be recognized as a Diplomatic Agent under the Treaty of 1843.

The Act of Congress of 1848 giving effect generally to Treaties of Extradition concluded, or to be concluded, with Foreign Powers by the United States, merely specifies that requisitions shall be made by the "proper authorities" of the Foreign Governments, and that term would seem sufficiently large to include other than Diplomatic Agents, although the Treaty between France and the United States specifies Diplomatic Agents alone as the medium of requisition. But the British Statute admits of no such comprehensive construction.

As regards the second point arising in the case, Her Majesty's Government consider that the crime with which M. Lamirande is charged does not amount to forgery according

to British Law, and therefore does not do so according to the mind of the British negotiator of the Treaty, or the intention of the British Legislature when giving effect to it.

The French Government are understood to hold that the crime was within the term *faux*, employed in the French version of the Treaty as the equivalent of the term *forgery* employed in the English version.

Each Government may be right in their respective contentions as to the import of terms used in the several languages, but when so material a difference exists between the two parties to a Treaty, it may not be unreasonable in the party who will suffer by an adverse construction, to press the other party not to insist on its own.

But even admitting with the French Government (which, however, Her Majesty's Government are by no means prepared to do,) that under exceptional circumstances the requisition of a Consular Agent for the surrender of a prisoner under the Extradition Treaty may be accepted in lieu of that of a Diplomatic Agent, Her Majesty's Government must observe that no such exceptional circumstance can be pleaded in the case of M. Lamirande. His crime, whatever it may be, was not committed in a French colony, nor was the warrant for his apprehension issued by a French Colonial Magistrate and conveyed direct to Canada without passing through France; but the crime was committed in France, the warrant was issued by a Magistrate in France, and it was probably conveyed by the person who was the bearer of it through England, or at all events, might have been so conveyed without any inconvenience or sensible delay. There was, therefore, no necessity for disregarding, in this case, the usual practice of applying to Her Majesty's Government for the Extradition of M. Lamirande under that warrant through the French Diplomatic Agent in England.

On all these grounds, therefore, Her Majesty's Government trust that the French Government will be disposed to accede to the application which I have now the honor of addressing to Your Excellency for the surrender of M. Lamirande.

I avail, &c.,

(Signed,)

JULIAN FANE.

(No. 32.)

*Lord Stanley to Mr. Fane.*

FOREIGN OFFICE, January 14, 1867.

I have to acquaint you, in reply to your despatch of the 13th instant, that I approve of the note which you propose to address to M. de Moustier respecting the case of M. Lamirande.

I am, &c.,

(Signed,)

STANLEY.

*Mr. Fane to Lord Stanley (Received, January, 16).*

(Extract.)

PARIS, January 14, 1867.

I had the honor of receiving, this afternoon, Your Lordship's Telegram, informing me that the draft of note which I proposed to address to the French Government, upon the case of M. Lamirande, was approved; and I accordingly sent my communication to the Marquis de Moustier without delay.

Your Lordship will perhaps be good enough to direct that the date "14th of January," shall be attached to it. It will then be identical with the note which I have addressed to the Marquis de Moustier.

(No. 34.)

*Mr. Fane to Lord Stanley (Received, January 16).*

PARIS, January 15, 1867.

MY LORD,—With reference to my despatch of the 11th instant, stating that I had requested M. Treite to inquire into the exact state in which M. Lamirande's appeal is, I have the honor to inclose, herewith, a copy of a report which I have just received from that gentleman.

I have, &c.,

(Signed,)

JULIAN FANE.

(Inclosure in No. 34.)

(Translation.)

*M. Treite to Mr. Fane.*

M. LE MINISTRE,—I went yesterday to the office of the Procureur-Général at the Court of Cassation, to learn whether Lamirande has appealed against the sentence which has condemned him to ten years of solitary confinement (“*réclusion*”). The reply having been in the negative, I am enabled, on my return, to give a definite answer to the question which you have been pleased to put to me, and to tell you that the conviction of Lamirande is definitive, and that it is no longer susceptible of any recourse to law.

The convict has, then, acquiesced in the degrading penalty inflicted on him. He might have been condemned to twenty years’ penal servitude (“*travaux forcés*”) which is the penalty for forgery; but the jury having given Lamirande the benefit of a declaration of extenuating circumstances, the Court was obliged to go a step lower in the scale of penalties, and to pronounce sentence of solitary confinement only, of which the maximum is ten years.

It is no one’s business to fathom the motives which have determined Lamirande not to appeal, but it may, however, be presumed that he thought of the future. In fact, if through some informality, or even through a false description of the culpable acts improperly defined as forgery, as the defenders of the accused have pleaded and maintained, the sentence had been quashed and the accused sent before another jury, he might perhaps not have been able to obtain a second time a declaration of extenuating circumstances, and in this case he would have been condemned to hard labour and sent to Cayenne. Thus it is generally said that Lamirande was very well treated by the jury of a country where his family occupied an honorable position.

As to the definition of crimes of forgery given to the acts imputed to Lamirande, they do not appear to fall within what the law of England calls forgery, which always supposes a material act, a palpable and physical alteration. But the Procureur-Général has maintained (and the jury have taken the same view) that these acts constitute the crime of forgery according to the penal law of France.

In fact, in France there are two distinct kinds of forgery, the material and the moral (*intellectuel*).

Material forgery results from a falsification or alteration, proved and physically demonstrated.

Moral forgery only results from the alteration or falsification of the substance or the contents of a document not materially falsified; for example, drawing agreements different from those settled by the contracting parties, or declaring as true things which are false.

This distinction in the crime of forgery is founded upon this axiom: “*Falsitas est fraudulosa veritatis mutatio et in alterius praejudicium facta.*”

This definition, admitted by the French criminal lawyers, has passed into jurisprudence. The Court of Cassation has itself defined forgery: “Alteration of the truth with a criminal intention which has prejudiced or could have prejudiced another”—(Decree of July 17, 1835).

If Lamirande had appealed, the Court of Cassation would probably have applied this maxim of law to him, and would have rejected his appeal.

Be good enough to excuse me for entering into all these details; I have only given them in order to enable you to form an opinion on the verdict of the jury, who, notwithstanding the absence of an actual alteration in the Bank accounts, did not the less declare Lamirande guilty of forgery.

Allow me to add a few more words. I have heard it said that England might be justified in reclaiming the person of Lamirande, on the ground that the acts imputed to the accused, and for which he was surrendered, did not come within the terms of the Treaty of 1843; that the crimes provided for in the Treaty ought to have the same character in the two countries; and, that Lamirande, according to the law of England, was not guilty of the crime of forgery, but only of the crime of theft, since he has not actually altered the Bank accounts.

The argument, if produced, has no chance of being admitted. It would be replied that Treaties must be interpreted according to the common intention of the contracting parties. If, at the time of drawing up the Treaty an interpretation had to be made, England

would have answered, that she understood that her subjects accused of forgery should be delivered up, although the law of France does not punish, and does not consider as forgery several alterations and material falsifications committed in passports, march-routes, and certificates of exoneration from military service. England would only have looked at the character of the crime according to the law of England, and she would have replied that she was prepared to surrender French subjects regularly accused of the crime of forgery such as the law of France defines and punishes as forgery, without distinguishing between material and intellectual forgery, admitted by the penal theory in France, a distinction which is a matter for internal legislation, beyond the competence of foreign Governments.

France will maintain that, in spite of the abnormal circumstances which have accompanied the extradition of Lamirande, she has nothing to do with acts and laws which are beyond her competence, and that the accused, from the moment that he was regularly accused of the crime of forgery, ought to have been surrendered to her, and has been justly surrendered. Treaties of Extradition are not made in the interest of criminals, but against evil-doers. These cannot appeal to them; the co-contracting Governments alone are qualified to interpret them, and to prevent their violation, the one by the other respectively. The French Government has violated neither the law of France nor that of England. If Lamirande had been acquitted by the jury on the charge of forgery, it would have caused him to be reconducted to the frontier, without trying him for theft and abuse of confidence.

I have thought it my duty to submit these considerations to you, which are current in France.

I doubt whether a demand, founded on the violation of the law of England by English functionaries, would be entertained.

I have, &c.,

(Signed,) TREITE.

(No. 35.)

*Mr. Mackenzie to Lord Stanley (Received, January 33).*

77, GRESHAM HOUSE, OLD BROAD STREET,

January 29, 1867.

MY LORD,—I am sorry again to trouble your Lordship on this case, but having sent out to our correspondents and clients at Montreal, the particulars of the trial in France, and with all the facts connected therewith, up to the 8th December, I have just received a reply to that communication, and am urgently requested to draw your Lordship's attention to the facts set out in the extract from his letter, which I now inclose.

My attention has been drawn to a paragraph in the *Standard* of Saturday last, to the effect that the *Gazette des Tribunaux* says, "it is asserted that the English Government has made an application for the surrender of Lamirande." Will your Lordship be kind enough to state whether there is any foundation for this paragraph, and how the matter stands at present.

I have again to urge upon your Lordship the great importance of our Ambassador making a further application to the French authorities for M. Lamirande's release.

I have, &c.,

(Signed,) J. H. MACKENZIE.

(Inclosure in No. 35.)

*Extract from a Letter of Mr. Doure, dated December 28, 1866.*

I hope you have already taken steps for drawing the attention of your Government to the fact, that Lamirande has been tried for facts different from those for which he was extradited. The trial has not brought out the shadow of the facts for which extradition was asked. It has never even been attempted to make out that Lamirande had ever made false entries in the books of the Bank of France. The British Government have as much right to ask his release as if he had been tried for embezzlement or robbery. The trial raises a totally new issue between the two Governments, and the question on which Lord Stanley has abandoned the demand of restoration has in no way prejudiced the ground on which the prisoner may now be claimed.

The doctrine laid down by the Attorney General, before the Assizes at Poitiers, viz.: That the Court must try the prisoner whom it finds before it, no matter how he has been brought there,—that doctrine is the direct negative of the position taken by the Lord Chancellor before the House of Lords on the 19th July last, when he said, “It has been supposed that the French Government are extremely desirous of continuing the Extradition Treaty for political purposes, because they may, by making criminal charges against particular individuals, get possession of such persons, and then try them in France for political offences. There could not be a more mistaken notion, than that any such law prevails in France. On the contrary, there is a strict law under which no person delivered up, in consequence of an Extradition Treaty, can be tried for any offence other than that in respect of which he was so delivered up. If acquitted, although he may be charged with twenty other offences, he is allowed to leave France, and to return to the country whence he was sent.”

This last doctrine has been positively denied by the Attorney General, though it is true the Court limited the trial to the charge of “*faux*.” But it turns out to be upon facts not mentioned at all in the demand of the French Consul General, in the warrant originating the prosecution, or in the warrant of extradition. It seems, then, that there is a clear case for the intervention of the British Government.

(No. 36.)

*Mr. Egerton to Mr. Mackenzie.*

FOREIGN OFFICE, January 31, 1867.

SIR,—I am directed by Lord Stanley to acknowledge the receipt of your letter of the 29th instant, and its enclosure, with reference to the case of M. Lamirande; and I am to state to you in reply, that this matter is still under the consideration of Her Majesty's Government, and that, in its present stage, they cannot give you any more detailed reply to your communication.

I am, &c.,  
(Signed,)

E. C. EGERTON.

(No. 37.)

*Mr. Fane to Lord Stanley (Received, February 2).*

PARIS, February 1, 1867.

MY LORD,—I have the honor to inclose copy of an article from the *Gazette des Tribunaux*, on the case of M. Lamirande.

I have, &c.,  
(Signed,)

JULIAN FANE.

(Inclosure in No. 37.)

(Translation.)

*Extract from the Gazette des Tribunaux.*

EXTRADITION OF LAMIRANDE.—We have announced, as a rumour which has been generally spread about for some days past, that the English Government was about to claim from France the restoration of Lamirande, whose extradition had been decreed by the judicial authority of Canada.

The news is true. The Ministry of Justice has the English claim before it. And if we believe what has transpired respecting this matter, the English Government, alleging that the extradition was not regularly granted, urges two reasons in support of their demand.

The first is, that according to the Treaty of 1843, between France and England, extradition can only be granted upon the demand of a diplomatic agent. Now, the demand for Lamirande's extradition was made by the French Consul General in Canada. Consuls are commercial and not diplomatic agents. According to the English Government, the demand for Lamirande's extradition should not have been received, on account of the character of the agent transmitting it.

The second reason put forward by England to show the irregularity of Lamirande's extradition is that the acts laid to his charge, even if constituting the crime of forgery according to the French law, do not amount to the same crime in English law, and that by the terms of the Treaty of 1843, England has only bound herself to surrender persons accused of what, according to English law, would amount to one of the crimes enumerated in the Treaty. Now, English law only recognises as forgery an actual alteration in anything written. In contradistinction to Article 47 of our Penal Code, it does not consider the fabrication of agreements, directions, bonds or acquittances to constitute the crime of forgery. So that in England Lamirande would not have been considered guilty of forgery. The conclusion drawn therefrom by the English Government is, that the extradition ought not to have been granted, and they demand the rendition of Lamirande.

If it be true that in claiming the restoration of Lamirande, England wishes to recur to the question of an extradition voluntarily and freely granted by herself, it seems to us hardly creditable that she can found her demand on the two reasons on which it is pretended she relies, for they repose on no solid basis, and could not resist a serious examination.

The surrender of an accused person, when claimed by a foreign power, is an act of sovereignty. This act of sovereignty can be carried out by a Government without having previously concluded a special treaty with the power claiming the culprit. Although we might have no treaty of extradition with England, yet, were French criminals to seek refuge in the United Kingdom, we could ask for their extradition, and England could give them to us for trial in France; for the right of granting extradition belongs to each Government by virtue of its sovereignty. It is not extradition treaties which confer upon the power of the country where the culprits have taken refuge the right of surrendering them to their own Government. The only object of these treaties is to facilitate the relations of the contracting powers, and to record that they reciprocally bind themselves to towards each other, in certain cases and in a certain manner, the right which belongs to them of granting extraditions.

But because a Government shall have entered into an arrangement with another Power to surrender criminals accused of such or such crimes when claimed in such or such manner, by diplomatic means for instance, it does not follow that this Government is unable, should it think proper, to consent to the extradition of a person accused of a crime not provided for in the Treaty, even if the application be made in a manner other than that stipulated.

England had, therefore, full power to surrender Lamirande even for a crime not recognized as such by the English law, and even although the demand for extradition was presented by some one not a Diplomatic Agent. When, therefore, in the exercise of her right she has granted an extradition, whether in a case provided for by a Treaty, or whether in case beyond the provisions of Treaty, it is allowable for her to recall the accomplished fact, and modify the act of sovereignty emanating from herself, by which she has effected the extradition? What is still more singular in the British Government's demand for the rendition of Lamirande is, that that demand would involve the contradiction of those principles on which they rely, and of other principles appealed to previously by one part of the Members of the English Parliament, and even by some publicists of our own country.

By their demand the English Government wishes to recall an act which emanated from themselves or from their agents; they wish to revise this act on the plea that those who ordered it committed a legal error. This is for the Royal power, the highest representation of the administrative power, to declare that its inferior agents have been deceived, that they have taken wrong proceedings, and to wish to substitute a decision different to that which had at first been taken.

If the English Diplomatic Agents, acting in the name of the Queen, demanded an individual, surrendered by their Government to a foreign Power, affirming that the Queen and her Cabinet, *i. e.*, Executive Power of England, regard his extradition as having been improperly granted, and that they have resolved to cancel it, it is because that for the English Government itself the fact of granting, refusing, or cancelling an extradition, is an act of sovereignty.

This is not precisely the same doctrine as that hitherto maintained by the English

and by the enthusiastic administrators of the constitution and laws of Great Britain. It was said that among our neighbors extradition was a judicial act, and not an administrative measure. In demanding Lamirande, the English Government would give the final blow to this doctrine; for if Lamirande had been given up in virtue of a judicial decision, how can the administrative power arrogate to itself the right to judge, appreciate and revise that judicial decision, which has acquired the authority of a matter adjudged?

Again, if the English Government believes that, in the countries under its rule, extradition is a judicial act, there is no explanation for the talked of demand.

For, it is to be noticed, according to what is said of this demand, that no question is raised on these points advanced before the French tribunal in the interest of Lamirande. Thus, the English Government does not complain of a judicial decision which was not definitive, having been executed in spite of an appeal, or the right of appeal, by Lamirande. We could understand, to a certain point, the executive power of a country which gives executive force to the decisions of justice, complaining of the execution of a decision to which it has not given this executive force; or that the executive force, which can only emanate from itself, has been erroneously given to the sentence of a judge. We may reply to a demand placed on these pleas, that it was the business of the Government which makes the demand to watch the execution of the acts of the tribunals or of the administrative agents in its territory, but that, the acts once carried out can no longer be revised, since the persons to whom they apply are no longer within its jurisdiction. But, we repeat, in this case the demand might be intelligible to a certain point; whereas in the demand, as it is at present framed, England avows that she has no formal objection to make against the decision of the Judge who ordered the extradition—she only pretends that the Judge has given a wrong decision, that he ought not to have entertained the demand.

What becomes then of that grand principle of the authority of an adjudged matter, which is acknowledged, proclaimed and respected by all governments?

Does the Cabinet of London wish to pretend that the extradition of Lamirande has been granted in contempt of English law; that in the country under the sway of the English Crown extraditions can only be granted in cases provided for by law; that the law which regulates this matter of extradition with respect to France is the Bill which approved the Treaty of 1843, and that this Bill does not permit the granting an extradition on the demand of a consul for a crime which the English law does not recognize as a forgery?

To this it is easy to answer, that foreign powers who demand and obtain the extradition of criminals who have taken refuge in England, are not obliged to trouble themselves with the question whether the English authorities who decided on the extraditions have observed, or not, the special laws of their country:

The English Minister cannot, indeed, maintain that there has been a violation of the principles of international law, for Lamirande has not been taken by violence or fraud from British soil.

We can understand a diplomatic demand with reference to an act which has been done against the will or in contempt of the rights of the power making the demand. But there is hardly any explanation for a demand by a government with reference to an act that emanates from itself. If the extradition of Lamirande ought not to have taken place, according to English law, its consent ought not to have been given. But extradition once effected, it cannot possibly be retracted.

French justice has now pronounced sentence. It has condemned Lamirande for the crime of forgery. If, after the decision of the French jury, it should be necessary to restore Lamirande to liberty, to send him back to England, there to enjoy with impunity the fruits of his misdeeds, this would be a public scandal. It is only with great reluctance that the French Government can entertain the demand of England. Happily there exists in the treaties no stipulation which obliges France to restore Lamirande.

But if, through some impossibility, France found herself forced to make this restitution, this would be the most manifest condemnation of the Treaty of 1843.

Up to the present time this treaty had remained a dead letter. The French Government had not been able to obtain any extraditions from England.

Here, however, an extradition, has been granted, on account of a crime that had

strongly excited public opinion. The culprit surrendered to French justice has been condemned by a jury of his country, and now we must restore him to England, in order to hinder him from undergoing his penalty!

This treaty of 1843, between England and France, which has been denounced by our Government, and which has since only been provisionally prolonged, six months at a time, ought to be definitively adjudged. Even while appealing to it in cases which were expressly provided for in it, France, previous to 1866, was not able to obtain the extradition of accused persons who had taken refuge in England. Matters of fact have always hindered the demands for extradition of persons who had taken refuge in British possessions, on account of strict legal technicality, derived from the fact that the Treaty only mentioned accused and not condemned persons. So that, whether from considerations of fact, or from considerations of law, accused and condemned were able to find impunity in England.

In this instance, were the demand admitted, it would be necessary that the operation of justice should be stopped again on a fresh ground, for the result would be impunity for accused persons delivered up by England, and condemned after their extradition by our tribunals.

Would there not, then, be occasion to acknowledge that the Treaty of 1843, has been tried long enough for the dignity of France?

(Signed,)

CH. DUVERDY.

(No. 38.)

*Mr. Fane to Lord Stanley (Received, February 27).*

(Extract.)

PARIS, February 25, 1867.

The brother of M. Lamirande called upon me this day, for the purpose of placing in my hands two letters addressed to Earl Cowley, copies of which I have the honor to inclose. The one is from M. Lamirande himself, withdrawing the application made by him to Earl Cowley, in September last, that Her Majesty's Government would demand his surrender by the French Government; the other, which is signed by the father and brother of M. Lamirande, transmits his letter and approves its contents.

M. Lamirande's brother, in delivering these letters to me, gave expression to the strong desire entertained by his family to put a term to the unhappy notoriety which attached to their name, by causing all further action in his brother's case to be abandoned.

I told him that I would acquaint your Lordship with the contents of the letters he had placed in my hands.

(Inclosure 1 in No. 38.)

*MM. G. C. and C. S. Lamirande to Earl Cowley.*

(Translation.)

CHATELLERAULT, February, 1867.

M. L'AMBASSADEUR,—I have the honor to transmit to you herewith a letter from my son, Ernest Lamirande, in which he withdraws the request which he had addressed, in September last, to your Excellency, with the object of his surrender being claimed by the Government of Great Britain.

I am desirous myself of addressing this declaration to Your Excellency, in which my family and I record with satisfaction the desire of my unhappy son to spare us the continuation of painful emotions by putting an end to the disgraceful notoriety of which our name has been the subject.

Moreover, we should with sorrow have seen him separate himself from us whose influence over him cannot be otherwise than salutary. We should have feared that, restored to liberty, he would, perhaps, have turned it to account in such a manner as would have shut out all hope for the future of his reinstatement in his former position.

It is then with our concurrence that he recalls his request, and that he, moreover, freely and quite spontaneously (I am glad to do him this justice) gives up the advantages



of his restoration to liberty which the Government of Great Britain might have succeeded in obtaining from the French Government.

My youngest son, who signs this letter with me, fully joins in the sentiments which it expresses.

I have, &c.,  
(Signed,)

C. G. LAMIRANDE.  
C. S. LAMIRANDE.

(Inclosure 2 in No. 38.)

*M. E. S. Lamirande to Earl Cowley.*

(Translation.)

Fontevault, February 19, 1867.

M. L'AMBASSADEUR,—On my arrival from Canada, in the month of September last, I had the honor of addressing to your Excellency, from Paris, a request, with the view of inducing the Government of Great Britain to claim my surrender from the French Government, and have me set at liberty.

Having decided to submit in every way to the judicial decision of my country, I now formally withdraw my request, and beg you to have the goodness to consider it as null and void.

This determination, which I have formed after mature reflection, is dictated to me by repentance for my crime, and still more by affection for my family, whose interests bids me put an end to the unhappy notoriety to which I have too long subjected their name.

Have the goodness, M. l'Ambassadeur, to transmit the present declaration to Her Britannic Majesty's Government.

I have, &c.,  
(Signed,)

E. S. LAMIRANDE.

(No. 39.)

*Mr. Fane to Lord Stanley (Received, March 4).*

Paris, March 3, 1866.

MY LORD,—I have the honor to forward herewith to your Lordship, copy of a despatch and its inclosures, which I received last night from the Marquis de Moustier, in reply to the note I addressed to His Excellency on the 14th of January last, conveying an application on the part of Her Majesty's Government for the surrender of M. Lamirande.

M. de Moustier commences his despatch by recording a formal declaration made by M. Lamirande to the Imperial Government, that he voluntarily renounces all claim to his surrender, and that he wishes to remain in France to undergo the punishment awarded to him. His Excellency transmits to me the written declarations which establish this fact, and states that Her Majesty's Government will probably consider that these documents should put an end to the discussion of which M. Lamirande is the object.

M. de Moustier is, however, of opinion that it may be useful to examine the judicial questions raised by Her Majesty's Government, and he proceeds accordingly to a categorical consideration of them. The conclusions at which His Excellency arrives may be thus summarily stated:—

1. That the omission to demand the extradition through a Diplomatic Agent, even if such a course were invariably followed, cannot be invoked, after the fact, to annul the extradition. That such demands are in certain cases made by Great Britain herself through other than a Diplomatic Agent.

2. That, if the crime for which Lamirande was surrendered does not constitute "forgery," according to the English law, the doctrine affirming this proposition has not yet been established.

3. That the decision of Judge Bréhaut argues the regular application of the Treaty, and that no argument can be sustained on the pretended right of appeal from his judgment.

4. That Lamirande, before the Court of Assize of La Vienne, accepted in principle the jurisdiction of his country.

His Excellency concludes by expressing the hope of the Emperor's Government, that Her Majesty's Government will appreciate the considerations embodied in his despatch,

and will acknowledge that they are just in principle; since, in point of fact, Lamirande having formally declined to take advantage of the results that would accrue from his surrender, the question no longer possesses any but a theoretical interest.

I have, &c.,

(Signed,)

JULIAN FANE.

(Inclosure 1 in No. 39.)

*M. de Moustier to M. Fane.*

(Translation.)

PARIS, March 1, 1867.

SIR,—You did me the honor of writing to me on the 13th of January last, to request, in the name of the Government of the Queen, the surrender of the condemned prisoner Lamirande, as having been unduly given up to French justice.

When I was on the point of answering that communication, the Minister of Justice informed me that Lamirande had just written of his own accord to the Procureur-Général of Poitiers, to declare that he renounced all claim to his surrender. Since then he wrote to M. Broche to renew that declaration in terms still more explicit; and I learn that his brother recently called at the Embassy in order to ratify and explain to you the purport of the convicted prisoner's declarations, of which he was the bearer. There can be no doubt, therefore, as to the formal wish of Lamirande to remain in France to undergo his sentence, and the British Government will probably consider that the documents which establish that intention should put an end to the discussion of which he is the object.

Nevertheless I do not believe it useless to examine the legal questions raised by your communication.

The demand of the Queen's Government issued on two grounds:—

*First*, That the application for Lamirande's extradition was not made through the intervention of a Diplomatic Agent, such as is required by the Treaty, and by the British Statute giving effect to the Treaty.

*Secondly*, That the crime for which Lamirande was given up did not constitute the crime of forgery ("*faux*,") contemplated by the Treaty.

In regard to the first point, we allow willingly that the text of the Treaty only mentions Diplomatic Agents; but ought it to be interpreted in a sense absolutely excluding the competency of agents placed in a similar position to that of the French Consul General at Quebec? If such an interpretation should prevail, it could only reveal a new and lamentable omission in the Treaty of 1843; and in regard to this I must first call to mind that in point of fact, in the present instance, the persons charged with the pursuit of Lamirande, who were the bearers of the warrant issued against him, could not have requested, on their way through England, as your letter supposes, the intervention of the French Ambassador in London, inasmuch as that time the accused had fled, not to British territory but to the United States. The same persons afterwards, like the fugitive, went over direct from Federal soil into Canada, and it was the prompt requisition alone, addressed by our Consul General to the Governor of that Colony, which could have made the extradition possible.

That incident, on the contrary, shows how indispensable, in cases of urgency, the action of Consular Agents may be, and at the same time the necessity of an interpretation breathing, above all things, that spirit of practical conciliation which should preside over the execution of international acts.

Besides, an extradition granted without a request made through a diplomatic channel has nothing in itself opposed to the practice followed under certain circumstances by Great Britain either towards France or other countries.

To this day extradition is carried out in French and English Colonies on the simple request of the Governor, without recourse having been made to a diplomatic channel, and without the British Government ever having protested against that way of proceeding.

Recently, in 1863, England entered into an agreement with Italy respecting Malta, whereby applications for extradition could be made by Consular Agents.

Lastly, the clause of the Anglo-American Treaty of 1842, which refers to extraditions between the two countries, leaves it to be supposed, as you allow, that the power of requesting the surrender of criminals is by no means limited to Diplomatic Agents, properly

so called. Your letter, it is true, invokes especially in support of the opinion which would exclude the intervention of French Consuls, the terms of the statute passed on the 22nd of August, 1843, for carrying into effect the Anglo-American Treaty—terms more comprehensive than those of the statute passed the same date to give force of law to the Anglo-French Treaty; and you deduce from the discrepancies of text which result from this comparison that the intention of the negotiators of the two Treaties must have been, in the one case, to admit the intervention of Consuls, and in the other to shut them out.

In our opinion the discrepancies in the text which exist between the two statutes and the two Treaties are explained by reasons of an opposite nature, but of which neither admits of the supposition that the contracting parties intend to admit Consuls in the one case and to exclude them in the other.

In fact, the Anglo-American Treaty is anterior by eight months to the Anglo-French Treaty, and if the two statutes, although of the same date, differ in their wording, it is doubtless because it was intended to frame each in harmony with the terms of the Treaty to which it refers. As regards the discrepancies of text which exist between the Treaties themselves, the article of the Anglo-American Treaty does not figure in a special Extradition Convention. This article, casually introduced into a Boundary Treaty with Canada, concluded at Washington, designates, in fact, generally, the authorities of each country who can properly demand extradition, whilst all the specific Treaties on this subject, concluded by England with other Powers, France, Russia, and Denmark, use the expression "Diplomatic Agents." But this form of expression can have but one meaning; for what reason could be invoked to justify the admission of the Consuls of the United States whilst those of other Powers were excluded?

But even if we suppose that the Treaty of 1843, by the use of the words "Diplomatic Agents," intended to lay down an invariable rule, it would not follow, after the accused has been handed over, and above all after foreign justice had pronounced its decision, that the extradition should be annulled on account of that irregularity.

Whilst placing ourselves with the Government of the Queen, upon the ground of strict right, we may be allowed to observe that, generally, in matters of legal procedure, formalities are only a source of invalidity, in so far as the law has formerly declared them to be so, or when the irregularity in question attacks a general legal principle recognized in the country. Now, in the first place, the Treaty contains nothing upon the consequences entailed by the non-observance of the diplomatic channel; and, in the second place, this same non-observance is sanctioned by England towards the United States, in a general manner towards Italy for Malta, and, lastly, towards France herself, in the relations between the French and English Colonies.

The Government of the Queen alleges, in the second place, that the acts imputed to Lamirande would not constitute the crime of "*faux*," or forgery, as contemplated by the Treaty, inasmuch as there is no forgery according to the law of England.

We have no intention of affirming *a priori* that the forgeries committed by Lamirande are foreseen and punished by English legislation; but we are justified in taking into our consideration that the Government of the Queen brings to the support of its position no reference nor any official opinion originated by or emanating from a judicial authority, whilst, on the contrary, in our opinion the decision of Judge Bréhaut is a settled fact, creating a grave and serious presumption in favor of the legitimacy of the extradition.

Moreover, in adhering to the literal meaning of the Treaty of 1843, Lamirande's extradition appears to us perfectly regular.

What, in fact, does the Treaty say? That the extradition shall be carried out on the part of England, "on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest."

This report has been made by Judge Bréhaut, and it is upon this report that the Governor of Canada has handed over the accused. We were therefore within the term of the Treaty; it is true, that it is urged that there existed an appeal to a superior Judge. But, strictly, according to the letter of the Treaty, we are justified in maintaining that this right of appeal does not exist; and, indeed, if this right does exist, is it requisite for the Government, which claims an accused person from England, to pursue him through all the judicial steps authorized by the forms of English law?

This result, doubtless, is not to be feared when it is a question of a criminal destitute of resources.

But Lamirande is the proof that a thousand ways of procedure are open to him who has found, by his crime itself, the elements of riches necessary to meet his expenses, so that at last by a complete subversion of justice the chances of extradition will some time be in an inverse ratio to the magnitude of the crime.

At all events, to return to the actual case, the antagonistic opinion of Judge Drummond cannot be alleged in opposition to that of Judge Bréhaut, since that opinion, given too late, in the absence of the parties, wanting, moreover in impartiality, if all the reports published on that occasion are to be believed, cannot have the force of a decision by a Court of Appeal.

Having before us the matter adjudged, the opinion of the lawyers who have been called to consider the question could alone determine us on the point of law, the point of fact never having been the subject of adverse examination. It is of greater importance for us to be able to discover whether the falsifications, which in France entail a criminal punishment, and which the Court of Assize of Vienne has chastised by ten years of confinement, does not constitute the crime of forgery according to the English law.

An English Colonial authority thought himself sufficiently justified by the requisition of our Consul General in delivering a warrant to the proper judge. The latter gave a decision which was executed by the same administrative authority before the appearance of any contrary decision of another tribunal, whose tardy proceedings have no legal value.

The person thus given up remained seven days in an English vessel and three more days on English soil, between Liverpool and London, escorted by English agents. Lastly, it is certain that Members of the English Cabinet were questioned by means of telegraphic despatches, and had to answer the objections of the officials who took upon themselves to act for Lamirande.

Such are the antecedents, after which the restitution of the person thus given up is claimed, under the pretext of errors committed by the Governor General of Canada or by the Judge who gave the decision.

There is, moreover, occasion to remark, that Lamirande, who has confessed his theft and forgery, has not even appealed against the sentence inflicted on him. Finally, Lamirande has accepted the trial on the charge of forgery, as appears from a formal declaration on his part, publicly given in the session of the Court of Assize.

You will find annexed a copy of this document. It proves that according to the statement of his Counsel, dated December 3, Lamirande accepted on the 4th, the trial on the charge of forgery, and, even in the case of acquittal, upon that of theft; so that his acquiescence would have obliged us to keep him, had he been acquitted, and to try him on those charges which respect for the Treaties prevented us from submitting to the jury from the opening of the session.

To recapitulate: The omission to make the demand through a diplomatic channel, even were it an invariable rule, could not be urged *post facto* to annul the extradition.

The contrary rule is, moreover, practised in certain cases by Great Britain. If the forgery for which Lamirande has been surrendered is not forgery according to English law, it is a doctrine which remains to be established.

This is, on the contrary, a decision in favor of the regular application of the Treaty, and we cannot argue on the pretended judgment of appeal. Lamirande has accepted, in principle, the jurisdiction of his country before the Court of Assize at Vienne.

The Government of the Emperor has, therefore, reason to hope that the English Cabinet will appreciate these various arguments, and will acknowledge them as justified in principle; for, in fact, Lamirande having formally given up his claim to the benefit of surrender, the question has no longer any but a theoretical interest.

I have the honor to transmit to you, herewith, a certified copy of the letter addressed on February 10th, by Lamirande, to the Procureur Général of Poitiers, as well as his second letter of the 19th to the Keeper of the Seals, and another from his father of the 20th.

(Signed,)

MOUSTIER.

(Inclosure 2 in No. 39.)

(Translation.)

*Declaration of M. E. S. Lamirande.*

I, the undersigned, Sureau Lamirande (Ernest Charles Constant), declare solemnly that, if the verdict of the jury, who are to decide on the forgery which is imputed to me, and which I protest never having intended to commit, is in the negative, I do not intend in any way to profit by the benefit of the Extradition Treaty with England; that I demand, on the contrary, under this hypothesis, to be judged by the Court of Assize of Vienne, for the acts of embezzlement and of theft which have been brought against me by the decree of the Chamber of Indictment.

I am then ready to constitute myself a prisoner, and I beg my Counsel to place this declaration in the hands of M. le Procureur Général.

(Signed,) E. S. LAMIRANDE.

POITIEBS, December 4, 1866.

(Inclosure 3 in No. 39.)

*M. E. S. Lamirande to M. Damay.*

(Translation.)

FONTEVRAULT, February 10, 1867.

M. LE PROCUREUR GENERAL,—I have just learned that the English Government have addressed a demand to the French Government for the surrender of my person. Being desirous of avoiding the continuance of a publicity, painful to my family, and quite decided to expiate my crime, by submitting to the penalty which has been inflicted on me by the justice of my country, I declare that I formally renounce, from to-day, benefit from that surrender, if it should take place.

I now beg you to have the goodness to transmit the present declaration to His Excellency the Keeper of the Seals.

(Signed,) E. S. LAMIRANDE.

(Inclosure 4 in No. 39.)

*M. E. S. Lamirande to the Keeper of the Seals, Minister of Justice.*

(Translation.)

FONTEVRAULT, February 19, 1867.

M. LE MINISTRE,—I have the honor to inform you that I renounce, beforehand, and in the most formal manner, the liberty which the demand, framed by the English Government for the surrender of my person, if it were successful, might restore to me.

The motives of my renunciation are the interest in my family, for whom I wish to avoid the continuance of a publicity very painful to them, and the sincere and complete repentance by which I wish to try and expiate my crime.

This determination on my part is perfectly free and deliberate.

It is, then, by my own deed, independently of any influence, that I declare my submission to the decisions of French justice, and acceptance, without reserve and without *arrière pensee*, of all its consequences.

(Signed,) E. S. LAMIRANDE.

(Inclosure 5 in No. 39.)

*MM. C. G. and C. S. Lamirande to the Keeper of the Seals, Minister of Justice:*

(Translation.)

CHATELLERAULT, February 20, 1867.

M. LE MINISTRE,—I have the honor to address to you the enclosed letter from my son, Ernest Lamirande, by which he gives up, in anticipation, all claim to the benefits of the demand by the English Government for the surrender of his person.

If anything could repair the harm which this unhappy son has done to me as well as to my family, it would be his repentance.

Therefore we regard with satisfaction this determination, which I hasten to transmit to your Excellency.

It will have a result to which we attach great value—that of putting a stop at least to the reports which have been circulated in connection with our name.

In addition, it indicates a return to proper feeling, since it possesses the merit of being spontaneous, and of being inspired by interest in his family and by a sincere desire for expiation.

I venture to hope, M. le Ministre, that the repentance of which my unhappy son now gives a proof will create for him, at some future time, a claim on the indulgence of His Majesty the Emperor.

My youngest son, who signs this letter with me, shares all the sentiments which are expressed therein.

(Signed,) C. G. LAMIRANDE, *ex-Magistrate*.  
“ C. S. LAMIRANDE.

(No. 40.)

*Lord Stanley to Earl Cowley.*

FOREIGN OFFICE, March 20, 1867.

MY LORD,—Mr. Fane transmitted to me in his dispatch of the 25th of February, two letters from M. Lamirande and from his family, withdrawing the application that the former had made, in his letter of the 11th of September last, for the interference of Her Majesty's Government to obtain his release as having been unduly given up to the French Government, under the Extradition Treaty of the 13th of February, 1843.

Mr. Fane further transmitted to me, in his dispatch of the 3rd instant, the answer of the French Government to the application, which, by my instruction of the 12th of January last, he was instructed to make for the surrender of M. Lamirande.

Whatever exception Her Majesty's Government might, under other circumstances, have felt disposed to take to the statements made by M. de Moustier in this answer, with the view of controverting the grounds on which they rested their application, the request now made by M. Lamirande himself, and by his family, that the application should be withdrawn, would render it a matter of great difficulty on the part of Her Majesty's Government to pursue a controversy on the subject with the Government of the Emperor, since the person on whose behalf the controversy was commenced urgently entreats that it should be abandoned.

At the same time, however, Her Majesty's Government must guard themselves from appearing to acquiesce in the doctrine and principles on which the French Government justify their refusal to set M. Lamirande at liberty; and I have accordingly to instruct your Excellency, in acquainting M. de Moustier that Her Majesty's Government no longer insist upon their application for his release, to add, that their abstaining from doing so must not be construed into an admission on their part that there were not sufficient grounds for insisting upon it.

I am, &c.,

(Signed,) STANLEY.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 17th March, 1868; For a copy of the Correspondence regarding the abduction of Allan Macdonald from the Township of Moore, by United States Officials.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 18th April, 1868.

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*[In accordance with the recommendation of the Joint Committee on Printing, certain portions of the above Return are printed for distribution only.]*

## SUPPLEMENTARY RETURN

To an Address of the HOUSE OF COMMONS, dated 17th March, 1868; For a Copy of the Correspondence regarding the abduction of Allan Macdonald from the Township of Moore, by United States officials.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 11th May, 1868.



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# RETURN

To an Address of the HOUSE OF COMMONS, dated 25th November, 1867; for Information respecting proposed Canal between Lake Ontario and Bay of Quinté.

By command.

HECTOR L. LANGEVIN.

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 11th March, 1868.

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OTTAWA, 18th December, 1867.

The Secretary of Public Works.

SIR,—Agreeably to instructions conveyed in letter No. 60,311 (and enclosed), relative to a Survey of the neck of land lying between Lake Ontario and the head of the Bay of Quinté, “for the purpose of ascertaining the cost and feasibility” of constructing a navigable Canal to connect these waters; I have the honor to submit the following Report:—

This project seems to have been entertained at an early period in the history of the Province, as an Address in the Journals of the Legislative Assembly of Upper Canada, for 1837, refers to its having been suggested by Lieut.-Governor Hunter, as far back as the year 1800, and in the original survey of the Township of Murray, in the Newcastle District, about 3,000 acres of land were set apart for that purpose. These lands were, however, for the most part, subsequently disposed of to settlers.

In 1825, the Commissioners of Internal Navigation set forth the advantages to be derived from this line of communication, as consisting principally on the avoidance of the dangerous navigation of the vicinity of Long Point, Lake Ontario, during periods of stormy weather.

The route they proposed was between Presqu'île Harbour and the Bay of Quinté a distance of upwards of 5 miles. The Canal to be 30 feet wide at bottom, 9 feet deep—estimated by them to cost £18,615 11s. 5d. sterling.

In 1833, N. H. Baird, Esq., C.E., reported on the Murray Canal, and strongly recommended that a connection should be made with Weller's Bay, instead of Presqu'île Harbour. This he stated would reduce its length to 2½ miles.

The Canal to have 100 feet width at bottom, 8 feet draught of water, with a wooden regulating lock placed near the centre of the route. A channel to be cut through Weller's beach to form a passage into Lake Ontario. The cost of these works was estimated at £42,845 12s. 6d. sterling.

He further stated, that a Canal could afterwards be made, if desired, from Weller's Bay to Presqu'île Harbour, a distance of 2½ miles.

A separate estimate was also given of the cost of a line from the Bay of Quinté to Presqu'île Harbour direct. This was set down at £78,000 stg.

In 1840, Lieut. Col. Phillpotts, R. E., estimated Mr. Baird's route into Weller's Bay (if deepened to 10 feet water), at £50,000 stg., and if a similar draught were adopted for the route into Presqu'île Harbour direct, he estimated its costs at £90,000 stg.

In 1846, Mr. Lyons made a Survey for the Murray Canal from the mouth of Dead

Creek on the Bay of Quinté to Weese's Creek at Presqu'île Harbour, a distance of nearly 5 miles. The Canal which he proposed was to have 100 feet width at bottom, 10 feet depth of water, with side slopes of 2 to 1, and was estimated to cost £126,861 6s. 10d., without taking into consideration any outlay for land damages or superintendence. No regulating lock appears by him to have been considered necessary.

Since 1864, various applications and memorials have been presented to the Government on the subject of the Murray Canal, and during the Session of 1866, a Special Committee of the Legislative Assembly had this subject under consideration, and recommended that a Survey of the isthmus should be made. This having been authorised, the duty was (as intimated in your letter No. 60,543) intrusted to Mr. J. H. Rowan, who, in July last, handed to me the following documents, viz. :—

*Plan marked No. 1.*—Shewing Presqu'île Harbour, Weller's Bay, and the head of the Bay of Quinté with several routes surveyed, soundings taken, &c.

*No. 2.*—Profiles of the routes shewing the classes of material to be removed on each.

*No. 3.*—Plan shewing a portion of the Bay of Quinté at Nigger Island, 9 miles above Belleville.

*No. 4.*—Plan shewing a portion of the Bay of Quinté at Telegraph Island, 4 miles above Mill Point.

*No. 5.*—Mr. Rowan's Report upon his Survey.

In order to lay the subject clearly before the Department, it is considered necessary to give a brief description of the leading geographical features of that section of the Province which forms the north-east part of the shore of Lake Ontario.

On reference to the map, it will be seen, that the County of Prince Edward Island is a peninsula of a very irregular shape, containing an area of about 360 square miles. On its southern or lake boundary, it is indented by many deep bays, and has numerous large pools along shore. Near the centre of the peninsula Point Peter (or Long Point) stands out prominently for a considerable distance into the lake; and towards its south-east end there is another salient point (Point Traverse), off which is a group of Islands called "The Ducks." These islands extend across towards Sackett's Harbour, and render the navigation of this portion of the lake somewhat hazardous during the boisterous weather of the fall of the year.

The northern boundary of this County is formed by the Bay of Quinté, a long crooked arm of the lake, which stretches for about 50 miles in a general westerly direction, from what is termed the "Upper Gap" (23 miles from the City of Kingston), to its head about 2½ miles above the Village of Trenton, near which point its waters are only 1¼ mile distant (*via* the "Carrying Place" road), from those of Weller's Bay on Lake Ontario.

The Trent, a river of considerable magnitude, which drains a large area of country, discharges into the Bay near its upper end. It also receives the waters of the Moira, Salmon and Napanee rivers. On these are respectively situated the Village of Trenton, the large Town of Belleville, and the Villages of Shannonville and Napanee.

In descending from Trenton the channel has an easterly direction for a distance of about 33 miles to Mill Point where it turns sharply to the south, and continues in that course to the foot of what is called the Long Reach. Thence it resumes an easterly direction.

The water-way is at some parts narrow, alternating with expanses of considerable extent, but the greater portion of the Bay is from its inland position, sheltered from winds, and forms a comparatively safe line of navigation during the stormiest seasons.

The level of the Bay fluctuates, but so far as ascertained it appears that at the shallowest parts, below the mouth of the Trent, there is a channel of 11 feet at extreme low water.

#### WELLER'S BAY.

The sheet of water known by this name is situated inside of a deep indent or bay of Lake Ontario, off which is the entrance into Presqu'île Harbour. It was formerly separated from the Lake by a continuous range of narrow sand banks, through which there was only a small outlet for a creek. About twelve years ago the upper part of a large portion of the North-west end of this dividing ridge was washed off and an opening made between

Lake Ontario and Weller's Bay. This opening is now fully  $\frac{3}{4}$  of a mile in width, but for the greater part of the distance it is shoal. About its centre there was, however, found to exist (in October last), a channel of fully 300 feet in width, and 14 feet in depth.

In 1857 this opening is represented to have been 100 rods wide, with a channel 150 feet wide and 14 feet in depth, and in 1861 the channel appears to have been about 200 feet in width, and a depth of fully 14 feet.

It will thus be seen that from the time when the opening was first made, the channel has continued to increase in width.

From what could be ascertained as to the original line of the beach and ridge, it appears that the action of the Lake has been such as to carry the sand, of which it is composed, from its original position and deposit it in such a manner as to increase the width of the bank without materially encroaching upon the area of the Bay.

The fact that the sand has not so far been deposited to any extent in the bay is evident, from the material in the bottom consisting of clay with no stratum of sand over it.

The area of Weller's Bay proper is about  $2\frac{1}{2}$  square miles, one-half of which has a depth, at ordinary water level, of from 14 to 30 feet, shoaling gradually towards the shore. It is connected with what may be termed Consecon Bay, by a narrow channel, with about 9 feet water, between Pine Point and Bald Head. The latter is a spit of sand projecting northwards from Weller's beach, and cuts off communication between the two Bays, except by the entrance above mentioned.

Consecon Bay is larger than Weller's Bay, and schooners entering the channel at Pine Point have ample depth of water to the Wharf at Consecon Village. The dividing ridge between this Bay and the Lake is comparatively narrow, and was some years ago broken through in two places. It is stated that at one time there was about 2 feet depth of water in one of these openings, but they were subsequently filled up by the action of the Lake, so that now no channel, even for boats, is found there at ordinary low water.

#### PRESQU'ILE HARBOUR.

This harbour is formed by a ridge of land extending in a South-easterly direction from the main shore, for a distance of over 3 miles, and embracing an irregularly shaped area of water surface of about 4 square miles. On the Eastern extremity of the ridge the principal light is situated, and between this and the main land there is an opening of about a mile in width, on the north-east side of which is the channel into the Harbour.

The ridge is principally of sand, but the point upon which the main light stands (Presqu'ile Point) is a rocky formation with but a slight inclination towards the Lake, and forming a flat beach for about 500 yards outwards.

East and north from the light-house is an extensive shoal called the "Middle Ground," which bars the direct entrance to the Harbour for vessels of a large class, and causes the channel at this place to be all but on the north side.

About  $\frac{3}{4}$  of a mile inside the main light, at what may be termed the neck of the Harbour, is Salt Point Light, which is erected on a bar of a shingle thrown up by the action of the lake, and extending outwards about a  $\frac{1}{2}$  of a mile from the shore of Presqu'ile Ridge.

This light, when built, was placed near the end of the spit, but the shingle has now formed outwards about 300 feet beyond it, and to that extent contracted the channel, which is at this place not much over 200 feet in width, the north side being occupied by "Shoal Point Shoal."

About 1,000 feet west-south-west from Salt Point there is another small light built on the North side of the Ridge. These two lights form a range which serves to guide vessels entering the Harbour, clear of the outer end of the "Middle Ground."

A large area of the northern part of this shoal was found to have a depth of 9 feet of water over it at the time (last October), when there was only ten feet in the channel, at a place immediately north of the shoal.

A vessel approaching Presqu'ile must before getting in range of the inner lights, with a view to entering the Harbour, change its course fully 270 degrees, which, in certain winds, it is barely possible to do.

When up with Salt Point the course must again be changed to north-westerly, so as to clear "Calf Pasture Shoal," and enter the wider portion of the Harbour; in fact, the direc-

tion of the entrance, crookedness, and insufficient width of the channel are found by masters of vessels to prove serious obstacles to its being used either as a harbour of refuge or for commercial purposes.

Still, it is in a great measure land-locked, and inside there is an area of over  $1\frac{1}{2}$  square miles of water, from 10 to 15 feet deep, with good anchorage.

Upon the Admiralty Chart of Lake Ontario, published in 1838, and corrected to 1851, two shoals are shewn as lying off Weller's Beach, northernmost of which is represented as being about 2 miles east-south-east from the main light, and having 3 feet of water upon it; these shoals are also shewn on a chart of the lake, published in 1866 in Toronto.

As shoals in the position represented would have seriously interfered with any of the proposed improvements in this locality, it became necessary to ascertain their extent and exact bearings. For that purpose a thorough examination of this portion of the lake was made under my directions in October last, by Messrs. Rowan and Munro (whose Report is hereunto appended), the result of which was, that at the place indicated, viz. —2 miles east-south-east from the main light there was found to be from 28 to over 45 feet of water, and a depth of at least 33 feet was maintained for a considerable area in the vicinity. In fact, it was fully ascertained, that no shoal existed in the position of the northernmost one shewn on the Admiralty Chart referred to, and which was represented as lying opposite the entrance to Weller's Bay.

At a place 3 miles south-east by east from the main light, and about  $1\frac{1}{2}$  miles off shore, from the beach opposite the foot of Consecun Bay, there is, however, a rocky shoal on which there was found, in October last, only 10 feet water for a considerable area. This corresponds nearly with the position of the southernmost shoal indicated on the Admiralty Chart.

With a view to this matter being clearly understood, the plan marked No. 6 has been prepared. It shews in red the position of the shoals represented on the Admiralty Chart, and the Chart of Lake Ontario published in Toronto; and the actual position of the shoal marked A in black, as fixed by careful triangulation from the shores, and by numerous soundings taken over the whole area of the bay, at a time when the weather was favorable for accomplishing this object in a satisfactory manner.

It will be seen from the plan that the shoal as it actually exists, is in the track of vessels coming from the east that pass near Nicholson's Island, for the purpose of making either Weller's Bay or Presqu'ile Harbour. It must, however, be borne in mind that this course is seldom taken, unless during easterly or light off-shore winds. The shoal lies entirely out of the ordinary course of vessels approaching Presqu'ile or Weller's Bay, either from the west or south. This will be evident, from the fact, that it is 3 miles from Presqu'ile Point, and that vessels can pass within 500 yards to the east of the main light, thus leaving a deep unobstructed water-way of fully  $2\frac{3}{4}$  miles wide.

No record having been kept of the fluctuations of Lake Ontario or the Bay of Quinté in this vicinity, it became necessary to endeavour to collect every available information on the subject; which, under the circumstances, could only be done by enquiring from old residents on the shores of the lake or bay. These were chiefly captains of vessels, fishermen and persons whose occupation led them to observe the variations of the water-levels. The information thus obtained was principally from marks pointed out on the wharves, rocky beaches, &c., these were subsequently compared by being referred to a common datum line.

From all that could be learned from the above sources, it appears that the extreme fluctuations of the lake in calm weather, observed in a long period of years, is about *five feet*; but that by continued gales from the south-west, the water in Weller's Bay is raised sometimes as much as 2 feet, and in Presqu'ile Harbor about 18 inches within a very short time; while the same wind has the effect of lowering the water in the Bay of Quinté.

Satisfactory information was obtained as to the level of the water during the year 1848, at which period it was said to have been lower than it ever has been since. This was found to be 1 foot 6 inches lower than the water in the month of October last; highest water-mark being 3 feet over the level at that time, thus shewing the difference between these extremes to have been 4 feet 6 inches.

But it was stated by several of the oldest residents, that a lower level even than this

had occurred about the years 1818-20, when certain shoals (which had in October last about 2 feet of water upon them) were said to have been dry. Then the lowest water-level at the above period appears to have been 6 inches lower than it was in 1848, and seems to establish the greatest fluctuation at 5 feet as above stated. This extreme variation is corroborated by the records kept at Port Dalhousie and Oswego.

During periods of continuous calm weather (after the spring floods of the Trent and other tributaries have passed off) the waters of the Bay of Quinté are on a level with those of Lake Ontario, but a strong south-westerly gale will, as before stated, raise the water in Weller's Bay about 2 feet above the normal level, whilst it will lower that in the Bay of Quinté about 1 foot 3 inches, thus creating a difference for the time being of about 3 feet 3 inches. It is not probable that so great a difference will be likely to exist between the levels of Presqu'île Harbour and Bay of Quinté, inasmuch as the wind which would raise the water most in the former would not have the effect of lowering it to that extent in the bay.

A strong easterly gale, will, on the contrary, raise the water at the head of the Bay of Quinté about 15 inches, whilst at the same time it will lower the level of Weller's Bay, and along the adjacent shore of the lake about 6 inches, thus making the level of the Bay of Quinté for the time being, about 1 foot 9 inches higher than the lake in this vicinity.

The changes thus described as owing to the direction and force of the wind, may, of course occur at any stage of the normal levels of the lake and bay; and have therefore to be considered in addition to those due to the periodical fluctuations. That is to say: an easterly gale may lower the water 6 inches at its lowest stage, whilst at the highest level observed, during periods of calm weather, it may be raised 2 feet by a south-westerly gale, thus making the extreme variation to be 7 feet 6 inches in Weller's Bay. In the Bay of Quinté the variation of the water level is also found to be 5 feet; but as a strong south-west gale lowers the head of the bay about 15 inches, whilst an easterly one raises it 15 inches, the extreme fluctuation may also be assumed at 7 feet 6 inches. These variations, although only occurring in a long series of years, have, nevertheless an important bearing on the subject under consideration.

From the information obtained, and the examinations made, it appears that at certain places in the Bay of Quinté, the channel is comparatively shoal. The first of these is at Indian or Fighting Island, near the head of the bay, where, for a considerable distance, there was found to be (in April last) only from 12½ to 13½ feet water, with a bottom of soft mud. At a point a short distance below Belleville, there was also 13½ feet in the channel, the bottom being mud.

At Telegraph Island, 4 miles above Mill Point, the bottom is of rock, and there was for a short distance only 13 to 13½ feet water in the channel at the time the soundings were taken.

It was further ascertained, that at several points and headlands along the bay, shoals extend outwards, contracting the width of the channel, and render its line somewhat tortuous.

From these facts, taken in connection with the disturbing influences of the winds, and the reduction in depth which occurs at periods of extreme low water, it appears that a depth of about 10 feet is all that could be judiciously calculated upon, when the water is at its lowest stage, without incurring considerable outlay in improving the channel at several places in the bay.

It is however, proper to state, that the low water referred to, is that of 1818-20, which was nearly 2½ feet lower than the surface level at the time the soundings were taken; so that at periods of ordinary low water, there would, doubtless, be an available depth of at least 11 feet, except for a short time at the head of the bay during a gale from the south-west.

At the entrance to Presqu'île Harbour there was, in October last, for a short distance, a depth of only 10 feet, which at extreme low water, would be reduced to 8 feet. Thence, along the circuitous line of the channel leading towards the mouth of Weese's Creek, the soundings were as follows, viz:

Depth of water in March 1867—reduced to lowest water, 1818-20.			
For a distance of 7,000 feet,	12 to 12½	.....	9½ to 10
“ 3,000	“ 13 to 13½	.....	10½ to 11
“ 3,000	“ 19 to 12½	.....	7½ to 10
“ 2,000	“ 12 to 14	.....	9½ to 11½
“ 5,000	“ 12 to 5	.....	9½ to 2½

It will thus be seen that the channel would require to be deepened for a considerable distance to adapt it to a draught of 10 feet at lowest water, irrespective of the additional depth at the entrance necessary for vessels in a heavy seaway.

In the channel into Weller's Bay there was found to be 14 feet water, which on being reduced, would give 12 feet at the lowest normal stage of the lake, and there is, as already stated, from 20 to 25 feet depth through the centre of the bay.

The principal reason urged in favor of a canal connection between Lake Ontario and the Bay of Quinté, is the advantage which it would confer on commerce, by enabling vessels of the class which navigate the lake to avoid the dangers in the vicinity of Long Point during the stormy seasons of the year, by passing through the comparatively sheltered waters of the Bay of Quinté.

In order to secure this, the draught of water should be at least equal to that of the Welland Canal, through which, vessels drawing 10½ feet can pass. This would render it necessary to take advantage of the full available depth of the Bay of Quinté, which, as before stated, would be 10 feet at the very lowest water, and fully 11 feet at ordinarily low stages of the bay and lake.

In view, however, of its being considered desirable at a future time to increase the draught of water, by the removal of some of the obstructions described as existing in the bay, I would advise that the bottom of the Canal be sunk to 11 feet below lowest water.

On reference to plan No. 1, it will be seen, that of the three lines surveyed, one terminates in Presqu'île Harbour, and two in Weller's Bay.

Route No. 1 starts from the north-west angle of the head of Bay of Quinté, near the mouth of Dead Creek, and follows along the northern side of a marsh for about a mile and a half. It then takes a more westerly course, and runs into the head of Weese's Creek, which is a long, narrow, and shoal branch of Presqu'île Harbour.

A divergence from the route of the Bay of Quinté end has been suggested, by which the entrance would be near Twelve-o'clock Point, where the slope of the beach is shewn by the soundings to be more favorable.

This line is nearly in the position of that estimated by Mr. Baird, and by Col. Phillpotts, and subsequently surveyed by Mr. Lyons in 1846.

It is the longest of three routes examined, being fully 4½ miles in length. It is represented by Mr. Lyons that a depth of 10 feet below his assumed low water line could be obtained without rock excavation, except at one point near the Bay of Quinté end, and that even this could be avoided by a slight divergence of his line. But upon boring at numerous places, it was found that at the Presqu'île end there was rock for nearly two-thirds of a mile, standing 3½ feet above the bottom line represented for his Canal; at a high point near the centre of the route, a ridge of rock was also found within about 5 feet of the surface of the ground, dipping away at about 400 feet on each side.

It further appears that Mr. Lyons was not in possession of correct information relative to the fluctuation of the lake levels, as he represented the difference between high and low water to be 2 feet instead of 5 feet. Moreover, he assumed a bottom line, which at periods of extreme low water would have given barely 8½ feet of draught instead of the 10 feet which he calculated upon.

Mr. Baird does not appear to have made any provision in his estimate for rock-excavation upon this line, and Col. Phillpott's increase of value seems to have been based solely upon Mr. Baird's survey. It therefore seems that none of the estimates can be accepted as representing the actual value of the work even at that time, for the scales of navigation then proposed, and of course would be wholly inapplicable at the present period, when the value of all kinds of labour has been so much increased.

The depth of water now proposed for the Canal is 11 feet at lowest water, with a bottom width of at least 100 feet, so that a much larger amount of excavation will be neces-

sary than on any of the scales previously projected, and a greatly increased quantity of dredging will be rendered indispensable, both in Presqu'ile Harbor and the Bay of Quinté.

Route No. 2 leaves the Bay of Quinté near Twelve-o'clock Point, and runs in a westerly direction along the southern edge of Dead Creek Marsh, it then curves to the southward and enters Weller's Bay at a place called Stoneburgh's Cove. The length of this route is about 2 miles 5,040 feet; fully one-half of this distance at the Bay of Quinté end is through sand, and the remaining half next Weller's Bay is chiefly in rock, with a stratum of sand and loam overlying it.

At the Bay of Quinté the length of dredging out to 10 feet at lowest water, will be about 3,000 feet of an average depth. for 1,200 feet from the shore, of 6 feet 3 inches, and for the remaining distance of 1,800 feet, an average of 1 foot 3 inches.

Should the divergence to Twelve-o'clock Point be made from the line leading to Presqu'ile Harbour, the above extent of dredging will be the same for Routes Nos. 1 and 2.

At the Weller's Bay entrance there would be 2,000 feet excavation with an average depth of 7 feet, of this 1,600 feet is of rock of an average depth of 6 feet; the other portion being principally blue clay and sand.

Route No. 3 starts from the south-west angle of the head of the Bay of Quinté, and runs in a south-westerly direction towards Mud Creek, thence along the mouth of that Creek to Weller's Bay, south of Pine Point; a distance of 2 miles 1,880 feet.

About 1 mile of this route, near the Bay of Quinté end, is through rock, one-half of which would be from 25 to 30 feet deep, and the other half of an average of  $12\frac{1}{2}$  feet deep. The other  $1\frac{1}{3}$  mile is chiefly sand and clay.

At the outlet at the Bay of Quinté, about the same extent of dredging will be required, as at that of Route No. 2. At the Weller's Bay end about 3,520 feet of dredging (averaging 4 feet 6 inches in depth) would have to be done to attain a depth of 10 feet at extreme low water.

This line would lead in a slanting direction across the entrance into Consecon Bay.

From the above brief description of the several lines surveyed, it will be seen that Route No. 1 is about  $1\frac{3}{4}$  miles longer than No. 2; that No. 3 is nearly  $\frac{2}{3}$  of a mile shorter than Route No. 2, and that at all the entrances a considerable amount of work will be necessary to obtain and secure the proper depth of water.

At Presqu'ile Harbour (the entrance to Route No. 1), a very large quantity of dredging must be done to obtain the proposed depth—the channel being intricate it would require to have a width of at least from 250 to 300 feet, and at the outer end should have additional depth to allow for the plunging of vessels in a heavy sea. At Stoneburgh's Cove (Route No. 2), there would be as above stated, a considerable amount of rock excavation under water surface; and at the Weller's Bay end of Route No. 3, there would be about  $\frac{2}{3}$  of a mile of dredging through mud and sand of an average depth of  $4\frac{1}{2}$  feet.

A comparison of distances from a point in the Lake which may be taken as common to the navigation into Presqu'ile Harbour and Weller's Bay, shew that the length from this point, *via* the Harbour and Route No. 1 to the Bay of Quinté, would be fully twice that *via* Weller's Bay to the outlets of either Routes No. 2 or No. 3.

Weller's Bay, however, lies in the direct line of the proposed navigation, and has now the full depth required; whereas the entrance to Route No. 1 lies entirely out of that line and can only be approached by a circuitous channel to be dredged through Presqu'ile Harbour. It therefore appears that the distance from the mouth of the latter to the Bay of Quinté in Route No. 1, should be compared with that from the Weller's Bay entrances to Routes Nos. 2 and 3 to the Bay of Quinté. This would shew the length *via* the former route to be about 3 times greater than that by either of the other two.

Were the channel through Presqu'ile Harbour made, the unavoidable difficulties to be encountered in navigating it would still present an insuperable objection to the adoption of Route No. 1.

In this view of the case, it appears that the selection lies between Routes Nos. 2 and 3, or some modification of them.

As already stated, the expense of forming an entrance at the Bay of Quinté end, would be about the same on both these routes, and there is reason to believe that the one would be equally as accessible as the other.

On Weller's Bay, Route No. 2 presents a good line of approach and entrance, but it has the objectionable feature that a large quantity of rock excavation under water will be necessary.

Although the dredging of the entrance to Route No. 3, would be through mud; the channel would unavoidably be crooked, and at its immediate entrance would be nearly parallel with the shoal at Bald Head; thus rendering access to it in some measure uncertain, whilst it is questionable whether the deeper channel would remain open unless protected by pier-work. If this became necessary it would doubtless interfere with the only channel into Consecon Bay.

It is however proper to state that on any immediate line between Routes Nos. 1 and 2 there would probably be a much greater extent of rock excavation under water than at Route No. 2, inasmuch as the water continues shoal for a considerable distance from the shore along the head of the Bay.

It will be evident from what has been said, in relation to the fluctuation of the water levels, that to ensure the full advantages of the Canal at all times, a Lock must be constructed. This should, of course, be placed at some point within the rock-cutting on the line, and be of sufficient width and length to admit the largest class of vessels likely to pass through this route.

If this rock was found to be sound, the sides of the cut might be made nearly vertical at the site chosen for the Lock, and quoins and recesses built for gates placed from 250 to 300 feet apart. The sides of the chamber could subsequently be carried up to the proper height with masonry.

It is believed the Canal should be of a clear width of at least 100 feet at bottom, and in rock-cutting the sides might have a slope of a quarter to one. Through sand, the material being of a very loose description, it must be removed to such a slope as may be found practicable, and to a sufficient width beyond the absolute line of the Canal to admit of the sides being lined with such stone as the rock-cutting may supply. The necessity of this will be apparent from the fact that the sudden variations of water-level will produce at times such a current in the Canal as would destroy the banks unless they were properly protected.

The depth of Canal has been assumed at 11 feet, for the reason that a considerable portion of either route will be through rock, where stones or any other hard substance accidentally getting into it would prove a serious obstruction. Besides, this will obviate the necessity of deepening, should it be found that a greater draught than the 10 feet calculated upon at lowest water can be obtained in the Bay of Quinté.

It has already been shewn that the extreme fluctuation (due to influences of all kinds) may be  $7\frac{1}{2}$  feet. Five feet of this is due to the variation of the normal levels of the Lake, and 2 feet to the effect of S.W. winds in raising the waters in Weller's Bay. The other 6 inches represents the lowering of the water by easterly winds. This may occur at the lowest stage, but as it is a contingency which can only arise at rare intervals, no serious, or at least continued, inconvenience can be experienced from it.

The height to which it is probable the water may rise over the Canal bottom will therefore be about 18 feet, and the banks should be at least 3 feet over this, or 21 feet high to prevent the adjoining land from being overflowed.

In order to protect the entrances from being silted up, it will in all cases be necessary to carry lines of pier-work out from the shore. To effect this, at the Bay of Quinté end, on either of the routes, there would probably be required about 1,000 lineal feet of pier on each side, of at least 16 feet in width. This would reach to a depth of about 7 feet at lowest water on the shoal. These piers should be placed about 150 feet apart, and the dredging extended beyond them with at least that width to 10 feet at lowest water.

To attain a depth of 7 feet on the shoal at the Weller's Bay end of Route No. 3 would require fully 25,000 feet of pier-work, placed either in curved or angular lines, both of which are objectionable as admitting of deposit taking place alongside of them. Moreover, a line of pier, this length, would contract the entrance into Consecon Bay; whilst the channel outside runs all but parallel with the shoal. It would, therefore, be difficult of access and liable to fill up. As a whole, this entrance is unfavorable.

The entrance to Route No. 2, at Stoneburgh's Cove, would be easy of access, being nearly on the direct line of the channel into the Bay, and deep water on this side is



found nearer the shore than at any other place. The greatest objection being that the beach, as already stated, is of rock.

The Cove reaches inland about 1,400 feet from the general line of the beach, and has an average width of about a  $\frac{1}{4}$  of a mile: 1,000 feet from the shore there is at present a depth of about 6 feet of water. From this description a permanent water-tight dam might be constructed on the stratum of clay overlying the rock, and between this and the beach to the eastward, a portion of the surplus material from the excavation might be deposited.

For about 700 feet further (or fully to the end of the rock excavation) a double line of narrow crib-work, forming a coffer-dam, would require to be constructed. From the end of this dam should be carried across the channel until it joined another line on the opposite side of the proposed entrance.

The area enclosed by the dams could then be unwatered, and the rock removed. Of course this would entail considerable expense, but it appears to be the only mode of obtaining the necessary depth of water at this place.

There is however an advantage in rock being found at other points near the western end of this line, as it admits of the Lock being placed where the greatest fluctuations would doubtless be experienced; whereas, on Route No. 3, the Lock would have to be built within about a mile of the Bay of Quinté leaving the Weller's Bay end open to the effects of the sudden variations of the Lake levels.

As a whole, Route No. 2 appears to be preferable to No. 3 in regard to ease of access, general direction, and economy of construction.

From the foregoing descriptions taken in connection with the accompanying plans and profiles, it is believed that a tolerably clear idea can be formed of the nature and extent of the work to be done on either of the routes surveyed.

Their estimated cost is respectively as follows:

Route No. 1.....	\$1,290,000
“ No. 2.....	860,000
“ No. 3.....	940,000

These sums represent the total value of the various classes of work, the quantities having been extended at fair and reasonable rates—due allowance being of course made for such contingencies as are likely to arise during the execution of works of this nature and extent.

It will be observed that the reasons referred to as having been urged in support of this undertaking are entirely of a commercial nature, and although evidently of considerable importance, it may be questioned whether the advantages which the work (if executed) would confer upon the general navigation would warrant so large an expenditure.

Several competent Naval and Military authorities have, however, at various times expressed their views regarding the desirability of establishing a Naval Station at some point on the Bay of Quinté, with such easy access from the West to its waters as would doubtless be afforded by the proposed Murray Canal, so that there may be reasons of this nature which would outweigh ordinary considerations of economy, and prove strong arguments in favor of the project.

I have the honor to be, Sir,  
 Your obedient servant,  
 (Signed) JOHN PAGE,  
 Chief Engineer Public Works.

(No. 5.)  
 To JOHN PAGE, Esq.,  
 Chief Engineer, Department of Public Works.

OTTAWA, July 15th, 1867,

SIR,—Having completed the examination and survey, which you instructed me to make, of the proposed Murray Canal, to connect Lake Ontario with the head-waters of the Bay of Quinté, I beg leave to submit the following facts and data, together with the accompanying plans and sections of the proposed routes for your information.

The country across which the proposed canal will have to be built is a narrow neck of

land, about two miles in width, connecting the County of Prince Edward, which forms the south shore of the Bay of Quinté, with the main land or north shore of that Bay, and of Lake Ontario.

This neck of land is between two and three miles in length from North to South, and at its northern end is for the most part a marsh, with a small creek (Dead Creek) running through it and emptying into the North-west angle of the Bay of Quinté.

Northward from this is the main land, which rises rapidly from the edge of the marsh to a height in some places of 50 or 60 feet. Southwards the rise is more gradual, but before reaching the other end of the Isthmus a height of 25 feet, and in some places 50 feet is attained. Northwest of the Isthmus lies Presqu'île Harbour on Lake Ontario, having an area of about three square miles, and to the west and south-west is Weller's Bay, having an area of about five square miles, and at its southern end the Village of Consecon.

Some years ago this Bay was cut off from Lake Ontario by a narrow spit of land formed of high sand banks, and through which the only opening was a small creek. Within the last ten years, however, a portion of the north-west end of this barrier has been washed away during a season of high water, and there is now a larger opening, nearly one mile in width from shore to shore, with a channel in the centre about 300 feet wide, having a depth of 13 feet at low water.

East of the Isthmus lies the Bay of Quinté, which is about two miles in width.

#### BAY OF QUINTÉ.

From the entrance to the Bay of Quinté, a few miles above the City of Kingston, to the head of what is called "the Long Reach," at a place called Mill Point near the mouth of the Napanee River, there is a good navigable channel, having a depth of not less than 20 feet of water. From that Point upwards to the head of the Bay, the depth of water is considerably less, but there is throughout, as far as Indian Island near the head of the Bay, a navigable channel of 13 feet of water at the date of survey.

At many points along the shores of the Bay, bars of sand, mud, and in a few instances rock extend from the various points or head lands. These while they tend to make the channel tortuous still bear a good width of navigable water, but it is questionable whether vessels of the largest class which navigate Lake Ontario could possibly *sail* either up or down the Bay, except under the most favorable circumstances of wind and weather.

There are, however, two points on the Bay where difficulties of a more serious character exist. The first of these is at a place called "Telegraph Island," about four miles above Mill Point, the other at Nigger Island, nine miles above Belleville.

The place which is now called Telegraph Island (see Plan No. 3) was at one time connected with the south shore of the Bay by means of a marsh, and on the island itself there were a few trees.

During a period of high water, some years ago, the marsh was washed away, leaving a channel with about three feet of water between the island and the south shore; subsequently the trees on the island were cut down, so that nothing now remains to mark its position but a narrow strip of loose stones, in the form of a horse shoe, about one hundred feet in length, which, during periods of high water are completely covered.

To add to the difficulty of navigation, the channel at this point is narrow and makes a considerable bend, and, with a strong westerly wind, there is such a current that vessels are sometimes obliged to come to an anchor, being unable to beat up against it: at times the current is in a contrary direction.

The deepest water in the channel here at date of survey was thirteen feet six inches, the bottom is loose stones and limestone rock.

Nigger Island (see Plan No. 2) is a low, flat piece of ground covered with coarse grass and a few shrubs. Here, there is a navigable channel on both sides of the Island, and it has generally been supposed that the one on the north side, although more tortuous, had a greater depth of water than that on the south of the Island. This is not the case, but the difficulty arises from the fact that while there is ample water in the channel there is a shoal in the centre of the Bay, so that vessels (the captains of which are not well acquainted with the navigation) keeping the centre in hope of having the deepest water, run on this shoal, which consists of loose stones and mud.

From this point to the head of the Bay the best channel is on the south side, and, as will be seen from Plan No. 1, is to be found on that side up to the Carrying-Place road at the south-west end of the Bay.

Having thus concluded a general description of the Bay of Quinté together with details of the more intricate parts, the result of soundings taken throughout from Mill Point to its head, I may state that finding no regular record kept, of the highest or lowest water, I could only form an opinion on these points from enquires made of various persons residing for a number of years on its shores, from these I gather that the water would be at its lowest level, about 1 foot 6 inches under what it was at the time of taking the soundings in March and April of this year.

#### WELLER'S BAY.

The entrance to this Bay, as before stated, has only been in existence for a few years, during that time it has continued in about the same position, although it has considerably extended both in width and depth.

It is not probable that it will extend further south than at present, owing to the fact that the southern side is bounded by a high and broad tract of sand hills (called Bald Head), covered with trees, and resting at the water level on a bed of limestone rock. On the north side there still remains about 2,000 feet of the original sand bank, this may eventually wash away unless means are taken to prevent it, as its present level is not much above the surface of the lake.

South of Bald Head the range of sand hills which divide the bay from the lake are narrow, and have already been broken through in two places by the heavy seas from the lake during the season of high water, and I am informed that about three years ago there was a depth of 2 feet of water in them, but at the present time the beach has filled in again, and is now 4 or 5 feet above the lake, and about 300 feet wide.

In the Bay there is good anchorage for vessels, and a depth of water over a considerable area of not less than 18 or 20 feet. It is favorably situated as a harbour of refuge for vessel caught in a south-westerly gale on Lake Ontario, if only the beach could be maintained in its present position, and means taken to indicate by range lights or otherwise the channel leading into it.

To effect the former would, no doubt, involve a very large outlay for the construction of crib-work, &c.

In this Bay two outlets for the proposed Canal have been selected; one in the north-eastern angle, called Stoneburgh's Cove, the other in a bay to the south of Pine Point. The former would be protected from a south-westerly gale, by the projection of a point composed of rock and gravel, as also by Bald Head. The water continues deep to within a shorter distance of the shore here than at any other point on the Bay; the bottom is blue clay with rock below.

The other outlet, namely, south of Pine Point, though not so favorably situated as regards the entrance of the Bay or depth of water, has these advantages: there is a good headland on each side, which, in the event of the outer beach being carried away, would form a good protection to the outlet of the Canal, and there is no rock to be found; the bottom being mud of the very softest description with sand underneath. Further reference will be made to these outlets under the head of their respective Canal routes.

Before passing from the present subject, I may here state, that the waters of this Bay are subject to very considerable and sudden fluctuations. I have myself seen it rise and fall as much as 2 feet in two hours, and there appears to be a constant change of level of from 1 to 4 inches every 15 or 20 minutes.

#### PRESQ'ILE HARBOUR.

The entrance to this harbour is very tortuous, owing to shoals and bars of sand and gravel, and in some places is extremely narrow. I was informed by Capt. Quick and others that it is decreasing in width every year.

With the wind from certain quarters and blowing a gale it is almost if not altogether impossible to enter; when, however, the inside is gained it is a very splendid natural har-

hour with a depth of water of from nine to fifteen feet over the larger portion of its area. The bottom is sand, mud and blue clay.

On its eastern side there is a long bay or inlet with a narrow channel leading up it, and the head of this bay forms an outlet for one of the proposed 'canal routes. This harbour is also subject to fluctuations in the level of water, but not, I am informed, to such an extent as Weller's Bay.

#### GENERAL DESCRIPTION OF ROUTES PROPOSED.

*Route No. 1.*—Starting from the mouth of Dead Creek, in a south-westerly direction, is the line of canal which was located some years ago, and for which there is a reserve of land. This route follows the line of Dead Creek on the northern side of the marsh for a distance of about a mile and one-half, and then taking a more westerly course enters the waters of Lake Ontario in a long bay or creek which forms a portion of Presqu'île Harbour. The length of this route, from water to water, is four miles and 790 feet.

*Route No. 2.*—Starts from a bay on the south side of Twelve-o'clock Point, on the Bay of Quinté, and following the south side of the marsh before spoken of, enters Weller's Bay at a place called Stoneburgh's Cove. The length of this line, from water to water, is two miles and 4,290 feet.

*Route No. 3.*—Is across the extreme southern end of the Isthmus, leaving the Bay of Quinté at its south-western angle it takes a south-westerly course and enters Weller's Bay at an inlet or creek just south of Pine Point. The length of this line, from water to water, is one mile and 5,160 feet.

#### DETAILS.

*Route No. 1.*—An inspection of Plan No. 1 will shew that if the canal is built on the line originally proposed, there will be a large amount of excavation under water in the Bay of Quinté: the deep-water line being more distant from the shore on this side of the Bay. If, however, the line to Presqu'île is preferred, this objection might be overcome by a deviation made at the point marked B, from thence following Route No. 2 from the point marked D into the Bay of Quinté. This would at the same time make the canal in a more direct line.

Leaving the waters of the Bay of Quinté, the line passes over a ridge of sand (here the road from the Carrying Place to Trenton crosses) and strikes the large swamp or marsh previously spoken of, along the northern side of which it is carried up to the crossing of the road from Smithfield.

The nature of this marsh is such, that were a large channel excavated through it, there would be a likelihood of large portions of the floating surface drifting into the Canal during high winds.

From the end of this marsh to the beginning of the fourth mile the land is all a swamp, but at this point a ridge or hill crosses the line of the Canal, and here the first indications of rock are found, which comes to within five feet of the surface at this point, and, falling away again towards the west, continues throughout the rest of the line at a distance of about fifteen feet below the surface up to the point where the road from Brighton crosses. Here the ground falls away suddenly and the rock comes proportionally nearer the surface in the marsh which forms the western end of this route.

In the Bay through which the Canal enters Presqu'île Harbour, as also in the Harbour and at its mouth, there will be a considerable amount of excavation under water to be done if a depth of 13 feet is required.

The excavation in the Bay of Quinté will be mud of the very softest kind, and throughout the rest of the line to Presqu'île Harbour, except when rock is shewn, it will be sand, which, when water gets at it, will not stand except at the very flattest angle. In Presqu'île Harbour the excavation will be mud, sand and clay.

*Route No. 2.*—The amount of excavation under water on this line in the Bay of Quinté would not be so great as on the route previously considered, its outlet being nearer to the line of deep water. The material to be removed would be of the same nature as in the other with the addition of a small amount of sand. From the water's edge up to the crossing of the road from the Carrying Place to Trenton the ground is very low, but after

passing the road a few hundred feet, the highest ground on this route is reached, which is 14 feet above the Bay. From this point it falls away to the edge of the Big Marsh, the south side of which it crosses. Here the marsh is much more solid, and there would be no danger of the surface floating.

About half way across the marsh the line strikes a small point of hardwood land and here the rock is found 5 feet below the surface, but falling away on either sides in the marsh, on the western side of which it again is found at a depth of 15 feet, and rising at some distance further on to within 5 feet of the surface, continues throughout at that level to Weller's Bay.

At this end rock excavation under water would be necessary, and throughout the rest of the line where rock is not shewn the excavation would be of the same nature as on Route No. 1.

There are two roads crossed at the western end of this route, one leading from Brighton to the Carrying place and Consecon, over which the mail is carried, the other leading round the Bay shore. A third road, shewn on the plan connecting the above two, could be diverged along side of the Canal.

*Route No. 3.*—Deeper water is found on the line up to the shore than on either of the others in the Bay of Quinté side, the bottom being of the same material as on the other routes.

For about 1,500 feet from water's edge, the excavation will be through sand as in the other routes. This brings us to the crossing of the mail route from the Carrying Place to Consecon, Picton, &c.

From the road westward, the rock comes to the surface, falling away gradually to a depth of 4 or 5 feet below for a distance of about 4,000 feet, where it dips more rapidly, leaving the remainder of the excavation on this route, up to the water's edge in Weller's Bay, to be made through sand. Near this end of the line the road from Brighton to Consecon crosses. The bottom of the Bay in which this route terminates is mud and sand, and should a depth of 13 feet be considered necessary, the excavation will have to be carried on for some distance into Weller's Bay. The current past Pine Point, and more particularly the one to the south of it, is so strong that even in mid-winter the ice here is never very strong.

#### GENERAL REMARKS.

The isthmus between Routes Nos. 2 and 3 rises to a much greater elevation than elsewhere, as will be seen by an inspection of plan No. 1, where the figures in red give approximately the levels above the Bay of Quinté. The bottom of Weller's Bay opposite the centre of the isthmus is rock, and the water very shallow for a considerable distance from the shore.

During calm weather the water in Lake Ontario, on the one side of the isthmus, and in the Bay of Quinté on the other, are of the same level, but during strong westerly winds the former is raised while the latter falls, but not to the same extent. The greatest difference of level observed during the time of making the survey, was 2.10 feet which occurred in the month of December, 1866, during a very heavy westerly gale, Weller's bay being then 1.70 feet above and the Bay of Quinté 0.40 feet below level.

During the winter, both bays being frozen over, the changes were very slight, the greatest observed being 0.25 feet.

From the information I collected I am lead to believe that one foot six inches under the level shewn on places and sections would be the lowest water level in Weller's Bay and Presqu'île.

On the land reserved for the Canal (Route No. 1) there are several squatters who have built houses upon and occupied portions of the reserve for years.

On the other routes the land required for canal purposes could be obtained at prices varying from \$20 to \$40 per acre.

I have the honor to be, sir,

Your obedient servant,

(Signed,) JAMES H. ROWAN.

OTTAWA, 15th November, 1867.

JOHN PAGE, Esq.,  
Chief Engineer Public Works.

SIR,—In accordance with your instructions of the 19th ultimo, we proceeded to Presqu'île Harbour and Weller's Bay, Lake Ontario, for the purpose of endeavoring to obtain information of a reliable nature on the following points, viz:—

*First.*—The existence or otherwise of two rocky shoals said to lie in the vicinity of the entrance to Weller's Bay.

*Second.*—The relative levels of Lake Ontario during the periods of highest and lowest water of which we could find any proper record. These fluctuations to be determined as accurately as possible by extensive enquiry and actual measurement; and referred to the water-line shewn on the profiles of the projected Murray Canal.

1st. Upon the Admiralty Chart of Lake Ontario, published 1838, from surveys made in 1817, by Capt. W. F. W. Owen, R.N. (corrected to 1851), two shoals are shewn off Weller's Beach; the northernmost of these (which is represented as lying directly across the track of vessels entering the present opening into Weller's Bay), having only 3 feet of water marked upon it.

These shoals are referred to in a Chart Book of the Harbours and Ports of Lake Ontario, published in 1857, by Edward M. Hodder, M.D., Commodore of the Royal Canadian Yacht Club, who states, that "these two formidable shoals are at the very entrance to the Bay exposed" \* \* "to the full sweep of the lake during a south or south-west wind, the very wind which would render it necessary to run into Weller's Bay for shelter. He adds, that "they are rocky, and have only from 3 to 5 feet water on them; they are also so exposed that any vessel running ashore on them during a gale, must soon go to pieces."

The northernmost one, (as described by Dr. Hodder), is said to lie "2 miles E. S. E. of the main light-house" at Presqu'île.

Upon reference to the accompanying Chart, it will be seen that no shoal exists in the position of that to which the above course and distance are given, there being in this vicinity about 33 feet of water, which depth is found over most of the area covered by the northernmost of the two shoals represented on the Admiralty Chart.

There is, however, a rocky shoal (shewn at A) with about 10 feet of water on it in October last. This is nearly in the position of the southernmost of those shewn on the Admiralty Chart, and lies 3 miles S. E. by E. from the main light-house. Judging from the course taken by vessels entering into or coming out of Weller's Bay during the time of our examination, as well as from information obtained from captains of vessels who have sailed in this part of the lake for many years, this shoal does not seem to form any serious obstruction to the navigation.

In order to avoid confusion, only a part of the soundings taken are shewn on the Chart, as the intervals between them are so small that they could not be represented to scale. That portion of the lake lying to the north of a line drawn from the main light to the shoal at A, and continued from thence in an easterly direction to Weller's Beach has, however, been thoroughly examined.

2nd. Upon our arrival at Presqu'île Harbour, a period of calm weather enabled us to refer the levels of Lake Ontario and the Bay of Quinté to the water-line shewn on the profiles of the Murray Canal routes.

The soundings marked in black upon the Chart shew the depth of water as we found it; the levels of the Lake and Bay of Quinté being then  $4\frac{1}{2}$  inches lower than the water line drawn on the profiles above mentioned.

The information which we obtained respecting the fluctuations of the lake levels may be divided into classes, viz:—

1st. That having reference to the gradual rise or fall of its whole surface observed during periods of calm weather.

2nd. The influence of strong winds in raising or lowering its levels in the vicinity of the proposed Canal routes.

With regard to the first of these, it would seem from all we have learned that the water of 1848-9 was lower than it has ever been since; the minimum level then observed

being about 1 foot 6 inches below the surface as it was in October last, or 1 foot 10½ inches lower than the water-line shewn on the Murray Canal profiles.

There appears, however, to have been lower water than this between the years 1818 and 1820—but *how much* lower we could find no conclusive evidence to shew. On this point, Capt. Quick of Presqu'ile Harbour (who has for a great many years past observed the rise and fall of the Lake) is of opinion that at the period in question it was at least 2 feet lower than when our examination was made, and in this statement he is borne out by the testimony of Messrs. Peck and Alley, old residents of the Bay of Quinté.

Of course it is difficult to speak positively (without permanent marks) on this subject after such a lapse of time; but it is nevertheless thought that these statements are worthy of consideration.

The level of the *highest water* of which we could obtain any record has, it is believed, been satisfactorily established by a large amount of concurrent evidence at about 3 feet above the level of October last. It will therefore be seen that the maximum variation (allowing the water to have been 2 feet lower than that level) would be 5 feet—falling short by 6 inches of the greatest fluctuation observed since 1848 at Port Dalhousie—which is stated to have been 5 feet 6 inches.

A record of the Lake levels kept at Oswego shews that the variation between the lowest water of 1848 and the highest of 1859 was 4 feet 8½ inches.

It seems therefore judicious to estimate the greatest variation in the vicinity of Weller's Bay and Presqu'ile Harbour (during periods of calm weather) at about 5 feet.

As to the fluctuation due to winds, it appears that those blowing off shore do not lower the lake to the same extent as it is raised when the wind blows on to the shore and piles up the waters on the beach. That is to say, during the prevalence of strong easterly gales the water is only lowered about six inches in Weller's Bay, whereas if a gale blew from the south-west it is sometimes raised as much as two feet in a short time.

It may be said that the lowering of the water due to the force of winds can be more correctly estimated, than the extent to which it is raised by a similar cause; as in the first case the surface near the shore is comparatively calm, but in the second it is difficult without proper apparatus to form anything more than an approximate idea of its rise with heavy breakers rolling upon the beach. This objection would doubtless apply to the Lake Shore, but would not hold good with regard to Weller's Bay where even in heavy gales the surface is not so rough as to prevent sufficiently accurate observations being made. In Presqu'ile Harbour, Capt. Quick states that he has seen the water rise 1 foot 6 inches in about half an hour.

As the level of the lake may be raised or lowered from the above causes, when at its highest or lowest normal stages, it appears that about two feet six inches should be added to the five feet above given, in order to shew the extreme variation which may possibly occur in a series of years. The disturbances arising from winds being, however, of comparatively short duration, it is of course a question as to how far they should affect the levels to be adopted for the proposed Canal.

During periods of continuously calm weather, the waters of the Bay of Quinté and those of Lake Ontario are on the same level and subject to similar fluctuations. But the information obtained shews that the bay is lowered to a greater extent than the lake by the force of the wind. That is to say, an off-shore gale on Lake Ontario would not, as above stated, lower the water along its margin more than say six inches, whereas a strong westerly wind will lower the water in the Bay of Quinté at least one foot three inches in a few hours, creating such a strong current at Telegraph Island, where the Bay is very narrow, that vessels cannot beat up against it, but are frequently obliged to cast anchor and wait until it ceases, or at least moderates. During the westerly gale of the 2nd instant, we observed that the water was lowered to about the above extent at Trenton.

It is stated that the surface of the bay is also considerably raised by the action of the wind; but the information obtained on this point is not so satisfactory as that in reference to the extent to which it is lowered by the same cause. It may, however, be estimated at between one foot and one foot six inches.

It will therefore be seen that the variation in calm weather may be stated at 5 feet, and that due to wind at from 2 feet 3 inches to 2 feet 9 inches, in the Bay of Quinté.

Having stated separately the various levels of Weller's Bay, Presqu'île Harbour, and the Bay of Quinté, it may now be observed that when the water is raised about two feet in Weller's Bay by a south-west or westerly gale, the wind, sweeping across the low and narrow isthmus which divides it from the Bay of Quinté drives the waters of the lake before it, and lowers the surface as above stated at least 1 foot 3 inches. So that it doubtless sometimes occurs that the difference of level between the water surfaces at the ends of the survey lines for Routes Nos. 2 and 3, Murray Canal (Mr. Rowan's Plan), is about 3 feet 3 inches. With regard to Route No. 1, it is not probable that this difference is ever quite so great, as the direction of the wind which would raise the water to the greatest extent in Presqu'île Harbour would not exercise the maximum influence to lower it in the Bay of Quinté.

Enquiries relative to the variation of the lake levels were also made at Port Hope, Gull Island Shoal, Cobourg, Grafton, Colborne, Trenton, Belleville, and Kingston. The information obtained at these places was found generally to corroborate the statements made on the same subject by parties residing in the vicinity of the proposed Murray Canal.

We have the honor to be, Sir,

Your obedient servants,

(Signed,)

THOMAS MONRO,  
JAMES H. ROWAN.



# RETURN

To an Address of the HOUSE OF COMMONS, dated 16th December, 1867; For copies of all papers respecting Claim preferred by G. H. Ryland, Esquire, against the Government.

By Command.

HECTOR L. LANGEVIN.  
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 12th March, 1868.

## RETURN

To two Addresses of the HOUSE OF COMMONS, dated respectively 15th and 18th November, 1867; For statement of the number of Inland Custom House Officers within the Dominion, their Salaries, Collections, &c., and for statement respecting Collectors of Customs, their collections and Harbour Tolls.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 13th March, 1868.

# R E T U R N

To an Address of the HOUSE OF COMMONS, dated 25th November, 1867;  
for Statement shewing quantity of water leased on Lachine and St. Lawrence Canals, &c.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 17th March, 1868.

LACHINE CANAL,—STATEMENT of Water Power,

Date of Lease.	Form of Lease.	LESSEES.	Water Lots, &c.	Situation of Lots.	For what purpose used.	Area o Lots.	{Amount of Water Power Leased.
Feb. 1, 1854	5 yrs.	Wm. Tate ...	3 old loc s	Montreal Terminus	Ship repairing..	No ground but the locks	Sufficient water to bring vessels in locks.
Mar. 13, 1851	21 yrs.	Geo. & Wm. Tate.	Dry dock & ship-yard.	S. side of Canal	Saw mill .....	5 arp. 15 per. French.	4 runs .....
July 28, 1856	do	Frothingham & Workman.	No. 1 & N. E. ½ of 2.	At Basin No. 2 S. side of Canal	Store, wareh'se and coal yard.	120 ft. front, down to river a road (Mill st.) 40 feet, reserved.	None .....
Sept. 23, 1854	do	W. P. Dartley..	No. S. W. ½ 2, 3, 4, 5, 6, 7. ....	do	3, 4, Finishing shop & saw mill 5, Iron foundry 6, Blacksmith's shop .....	80 ft. front each, road 40 feet, reserved.	12 runs on lots 5, 6, 7, none on 2, 3, 4.
Sept. 7, 1849	do	James Harvey	No. 8.....	do	Storehouse and elevator.....	80 feet front, road reserved.	4 runs .....
Mar. 15, 1851	do	Thos. Peck & Co. (formerly Jas. Harvey..	E. ½ No. 9.	do	Wood yard.....	22½ perches..	Privilege of using 2 runs when same can be spared.
Mar. 15, 1851	do	Thos. Peck .....	W. ½ No. 9.	do	Spike and nail factory.	do	None.....
Mar. 10, 1848	do	Thos. Peck.....	No. 10.....	do	do	80 feet front, road reserv'd	4 runs .....
Oct. 16, 1848	do	Jas. McDougall	No. 11 .....	do	Grist mill and store .....	do	4 do .....
May 28, 1847	do	Ira Gould (formerly Thorne & Heward ...	Nos. 12, 13	do	Flour, grist mill and store.	160 ft. front, road excepted.	8 do .....
May 27, 1847	do	Ira Gould .....	No. 14.....	do	do	80 feet front, road excepted.	4 do .....
Feb. 25, 1851	do	T. D. Bigelow & Co.	No. 15.....	do	Spike and nail factory.	44½ perches, French.	4 do .....
Feb. 15, 1851	do	Holland & Dunn (now T. F. Miller).	No. 16.....	do	do	do	4 do .....
Mar. 1, 1851	do	W. Lyman & Co. (now Lyman, Clare & Co).	No. 17.....	do	Oil mill, grinding drugs, paint, &c.	43 perches, French.	4 do .....
Mar. 11, 1851	do	Grant, Hall & Co.	Nos. 18, 19	do	Saw mill, planing factory.	90 do	8 do .....

and of Building and other Lots leased to Various Parties.

Date from which Lease is reckoned.	Annual Rental.	TERMS OF PAYMENT.			Arrears of rent up to 1st July, 1867.	REMARKS.
		Amount of each Instalment.	When first Instalment became payable.	When payable each year.		
Feb. 1, 1854	\$ 440	\$ 220	July 1, 1854	July 1, Jan. 1	\$ cts. 2,016 67	1st instalment to be £45 16 8. Lease expired.
Jan. 1, 1851	1,000	500	July 1, 1852	Jan. 1, July 1	6,000 00	\$500 since paid. The interests of Geo. Tate were sold by Sheriff to Thos. Leith, on 17th Oct '60. The int'ts of Wm. Tate were sold by Sheriff to Benj. Grant, on 23rd May '62. Since paid. 1st instalment to be £13 13s. 8d.
June 1, 1855	656	328	July 1, 1855	July 1, Jan. 1	328 00	
Jan. 1, 1854	{ 1,290 1,128	{ 645 564	{ July 1, 1854	{ July 1, Jan. 1	18,685 88	According to a judg't of the Super. Court, Montreal, on a claim of Mr M. Garthy's estate against the Dept., the am't due on 1st July, 1867, would be only \$6,315.88.— Sold by Sheriff to Trust & Loan Co., 29th Mar., '64. J. McDougall purchased from T. & L. Co. No. 5 and 1/2 of No. 6, (with 4 runs) on 25th April, 1864. T. Peck purchased from T. & L. Co., 1/2 of Nos. 6 and 7, (with 4 runs,)
Nov. 23, 1846	430	215	Nov. 22, 1849	May 22, Nov. 22	430 00	Since paid.
Jan. 1, 1851	110	55	Oct. 1, 1851	April 1, Oct. 1	55 00	Since paid. To pay £13.26 for each run of stone whenever used. Sold by Sheriff to Jonat. Findlay, 27th June, '65. Transferred by latter, 19th, July, '65, to T. Peck & Co., who were acknowledged as lessees on 5th March, '66 by the Government.
April 1, 1851	110	55	Oct. 1, 1851	April 1, Oct. 1	55 00	Since paid.
Nov. 23, 1846	430	215	May 22, 1848	May 22, Nov. 22	215 00	do
Nov. 23, 1846	430	215	Nov. 22, 1848	May 22, Nov. 22	215 00	do
May 1, 1847	864	432	Oct. 1, 1847	Oct. 1, April 1	432 00	do
May 1, 1847	432	216	Oct. 1, 1847	Oct. 1, April 1	216 00	Since paid. With special condition respecting sluices, for supply of water to Lots Nos. 12, 13 and 14.
Jan. 1, 1851	430	215	Jan. 1, 1852	Jan. 1, July 1	215 00	Since paid.
Jan. 1, 1851	430	215	Jan. 1, 1852	Jan. 1, July 1	215 00	Since paid. Dissolution of Holland & Duun's partnership, 3rd Sept. '52. Transfer by M. Holland to Hersey & Holland, 6th Jan. '58. Transfer by Hersey & Holland, to Thos. F. Miller, 9th Feb., '59. Com'r P. W. notified by T. F. Miller, Feb. 1, '66.
July 1, 1851	430	215	Jan. 1, 1852	Jan. 1, July 1	45 00	Since paid.
Jan. 1, 1851	860	430	Jan. 1, 1852	Jan. 1, July 1	430 00	do

LACHINE CANAL.—STATEMENT of Water Power and of

Date of Lease.	Form of Lease.	LESSEES.	Water Lots, &c.	Situation of Lots.	For what purpose used.	Area of Lots.	Amount of Water Power Leased.
Mar. 5, 1851	21 yrs.	Aug. L'Abbé...	Isl'd No. 5.	Between old & new Canals, above St. Gabriel's Lock.	Marine slip.....	.....	None .....
Feb. 14, 1851	do	Young & Gould (principal lessees).	Surplus water.	Lock No. 3, or St. Gabriel's Lock, both sides.	Barrel factory, &c....	See Remarks.	All surplus water disposable—not less than 20 runs.
May 30, 1853	These Lots are sub-let to these parties, by Young & Gould, principal lessees.	Sub-Lessees.					
		1. Aug. Cantin .....			Canada Marine Works.	.....	2 runs.....
		2. Redmond & Co. ....	Lot at St. Gabriel's Lock.		Foundry and machine shop.	.....	
		3. F. W. Harris .....	do		Cotton factory and wadding mill.	.....	
		4. R. Scott ....	do		Edged tool works.....	.....	
		5. Montreal ... Rubber Co. ....	do		Rubber factory .....	.....	
		6. J. W. Weaver .....	do		Woollen manufactory	.....	
		7. A. W. Ogilvie & Co... ..	do		Grist mill .....	.....	
		8. Burry & Co. ....	do		Foundry & mach. shop	.....	
		9. J. & D. Smith .....	do		Thrashing mach. shop	.....	
		10. ....	do			.....	
		11. Ira Gould... ..	do		Barrel factory, chiming and crozing machine.	.....	
		12. J & F McGauvran. ....	do		Saw mill.....	.....	
		13. J. A. Converse. ....	do		Cordage factory & plaster mill.	.....	
		14. Jas. Shearer .....	do		Door and sash factory	.....	
	15. Wm. Allan. ....	do		Chair and balistead do	.....		
	16 and 17. John Ostell. ....	do		Door and sash factory and saw mill.	.....		
Aug. 4, 1860	21 yrs.	William Parkyn (principal lessee).	Lot at Lock No. 4, Côte St. Paul (S. side Canal)	.....	..... 3 acres $9 \frac{8}{10}$ per.	English..	All surplus water—not less than 20 runs.
	Pleasure of Government.	Sub-Lessees.					
		1. J. J. Higgins Lot A ....	At Lock No. 4, Côte St. Paul.		Axe factory.....	.....	
		2. W. Parkyn .. do B ....	do		Shovel do .....	.....	
May 1, 1859	Pleasure of Government.	3. S. & J. Dunn do C ....	do		Nail do.....	.....	
		Hamilton & Gildersleeve. ....	Lot at Basin No. 1.		Freight shed.....	.....	
May 1, 1859			M. K. Dickinson .....	do		do .....	.....
Sept. 7, 1864		American Line of Steamers (McCuaig). ....	do		do .....	.....	
July 2, 1866		St. Lawrence Navigation Co .....	do		do .....	.....	
Oct. 1, 1859		Moseley & Lewis. ....	Water, at G. T. cross, near Cantin, 3-in. pipe.		Tannery.....	.....	
Oct. 29, 1862		Joseph Levey... ..	Lot .....			.....	
		B. Bowman (Trust. of Est. of late B. Bowman, viz; G. W. Eaton, C. Bischoff, thro' W. McClymont. ....	Lot near St. Gabriel's Basin, N. side Canal.		Lumber yard.....	.....	
Dec. 9, 1862		J. M. Currier & Co. ....	Lot near St. Gabriel's Lock.		do .....	.....	
Feb. 24, 1858	15 yrs.	Patrick Evers... ..	*		Farming purposes .....	.....	

\* Lot purchased by Government from heirs St. Germain and P. Boudria, at Côte St. Paul, north side of Canal.



BEAUHARNOIS CANAL.—STATEMENT OF WATER

Date.	Term of Lease.	LESSEES.	DESCRIPTION OF PROPERTY LEASED.				Area of Property.
			Situation and Nature.			For what purpose used.	
Feb. 23, 1856.	21 years..	T. F. Miller (now A. Buntin & Co.)	Ste. Cécile...	Hydraulic lots.	Nos. 1, 2, 3, E. side lower dam.	Paper Manufactory.	A. R. P. 1 3/22
July 15, 1852.	do ...	Wm. Miller (now A. Buntin & Co.)	do ...	do ...	No. 4.....	do ...	3 15
May 16, 1856.	do ...	Stephen May..	do ...	do ...	No. 5.....	Grist Mill..	2 15
Dec. 21, 1861.	do ...	P. Poulin (formerly F. X. Poitras)	do ...	Hydraulic & building lots	Nos. 1 and 2, head of Canal. Nos. 1 and 2, Grande Isle.	Saw Mill...	107,400 English sq're feet.
—1863...	Pleasure of Gov't.	D. B. Pease....	St. Timothy..	Wharf lot....	S. side of Canal, near St. Timothy Bridge.	.....	Feet 82 x 32
Nov. 14, 1863.	do ...	Owen Lynch .....	do ...	do ...	do ...	.....	110 x 37
do ...	do ...	do .....	do ...	do ...	do ...	House & 2 sheds.	110 x 30
do ...	do ...	W. Rodden (formerly L. Leduc)	do ...	do ...	do ...	.....	108 x 38
May 13, 1857.	do ...	do .....	do ...	do ...	Above wharf, S. side of Canal.	House, shed, &c.	65' x 27
—1863...	do ...	Julien Sauvé....	Ste. Cécile...	do ...	At Big Basin, S. side of Canal.	.....	88 x 36
Nov. 11, 1863	do ...	Isidore Larocque.	do ...	do ...	Head of canal	.....	140 x 30
Nov. 12, 1863	do ...	St. Amour & Co...	do ...	do ...	do ...	.....	100 x 30
Nov. 11, 1863	do ...	J. Demers & Co...	do ...	do ...	do ...	.....	100 x 30
Aug. 7, 1866	do ...	Jos. Demers .....	do ...	do ...	Basin (River side), above guard lock, N. side of Canal.	.....	150 ft. long
Nov. 16, 1863	do ...	A. Buntin & Co...	do ...	Lot for store..	Near No. 4, below guard lock. N. side of Canal.	.....	490 x 70 feet



Power and other Property leased to Various Parties.

Amount of Water Power. Run of Mill Stones.	Date from which Lease is reckoned.	Annual Rental.	TERMS OF PAYMENT.			Arrears of rent up to the 1st July 1867.	REMARKS.
			Amount of each Instalment.	When payable each year.	When first Instalment was payable.		
		\$ cts.	\$ cts.			\$ cts.	
2 runs for each.	Jan. 1, 1856	354 00	177 00	Jan 1, July 1	July 1, 1856..	177 00	Now A. Buntin & Co.
6 runs ...	Jan. 1, 1853	318 00	150 00	do ...	do 1854...	159 00	Now A. Buntin & Co.
4 do ...	July 1, 1855	120 00	60 00	do ...	do 1856...	60 00	Now Trust and Loan Co. of Upper Canada.
12 do ...	Oct. 1, 1854	240 00	120 00	do ...	do 1862...	930 00	Only $\frac{1}{2}$ of this rent payable until water is used on lot No. 2.
.....	May 1, 1847	20 00	20 00	May 1, yearly (in advance)	May 1, 1847..	100 00	Refused to sign a lease on 13th Nov., 1863.
.....	do ...	20 00	20 00	do ...	do 1847...	40 00	One year's rent to be deducted.
.....	May 1, 1864	10 00	10 00	do ...	do 1864...	20 00	
.....	May 1, 1848	20 00	20 00	do ...	do 1848...	260 00	Refused to sign this lease on 16th Nov., 1863.
.....	.....	No rent	mentioned in Lease...	.....	.....	.....	
.....	May 1, 1857	20 00	20 00	do ...	do 1857...	20 00	Refused to sign this lease on 13th Nov., 1863.
.....	May 1, 1859	20 00	20 00	do ...	do 1859...	40 00	
.....	do ...	20 00	20 00	do ...	do 1859...	40 00	
.....	May 1, 1861	20 00	20 00	do ...	do 1861...	40 00	
.....	May 1, 1866	20 00	20 00	do ...	Paid August 7, 1866.		
.....	July 1, 1859	45 00	45 00	July 1, yearly	July 1, 1859	22 50	Has two other lots free of rent.

CORNWALL CANAL.—STATEMENT OF WATER.

Date.	Term of Lease.	LESSEES.	DESCRIPTION OF PROPERTY LEASED.			
			Situation and Nature.		For what purpose used.	Area of property.
July 7, 1840 — 1846	1 year. 14 years	Daniel Daily ..... Ronald McDonald	Milleroches .. .....	Lots..... Mill Lot.	Near No. 4... .....	..... .....
— 1846 Jan. 21, 1847	Pleasure of Gov't do	Whitcomb Kezar.. James N. Dixon..	On his own property. On his own property op- posite Mou- linette Church.	Wharf ... do ...	..... .....	Warehouse ... .....
— 1847	21 years.	Thos. Byrne .....	.....	Mill Lot.	No. 1, near No. 4.	.....
May 10, 1847	Pleasure of Gov't	John Bell.....	Town of Cornwall,	.....	.....	.....
— 1848 Feb. 29, 1848	do 21 years.	Peter Tait .....	On his own property. do.	Wharf... Surplus water.	..... Near Lock No. 18, north of Canal.	..... .....
July 20, 1850	do	A. E. Cadwell .....	.....	Mill Lot.	No. 6.....	Saw mill ..... R. P. 2 31 <sup>64</sup> / <sub>100</sub>
Aug. 29, 1851	do	John Harvie (for- merly M. Hitch- cock, now Angus Bethune).	Opposite Town of Cornwall.	do ...	No. 6, S. of Canal	Grist and flour mill. 2 25
June 1, 1857	do	Hon. P. Van- koughnet (now Geo. Stephens).	Below Town of Cornwall.	do ...	No. 7.....	.....
Jan. 12, 1861	do	B.G. French (now W. D. & G. C. Wood).	.....	do ...	No. 1, north of Lock No. 20.	Flour mill.... 28 of acre 100
June 25, 1863	do	Andw. Elliot (now Andw. Hodge).	.....	do ...	Nos. 3 and 4	Flour & grist mills. 1 1 <sup>8</sup> / <sub>10</sub> A. R. P.
June 27, 1863	Pleasure of Gov't	Henry Harrison...	Near Mouli- nette.	.....	.....	Permission to build a wharf on Lot 30, N. of Canal, for cordwood.

Power and other Property leased to Various Parties.

Amount of Water Power. Run of Mill Stones.	Date from which Lease is reckoned.	Annual Rental.	TERMS OF PAYMENT.			REMARKS.	
			Amount of each instalment.	When payable each year.	When first Instalment was payable.		Arrears of Rent up to 1st July 1867.
		\$ cts.	\$ cts.			\$ cts.	
	Mar. 3, 1847	Free		Jan. 1, July 1			
	Apr. 20, 1849	1st run \$80, each additional, \$40. 60 00					
		Free					
	Mar. 3, 1847	200 00					On condition of protecting banks on all the front of property of the late Adam Dixon. He died in fall of 1847. Chas. Geddes, of Montreal, adminis-trates his estate.
Water to his brew-ery, 2-inch pipe.	Aug. 23, 1846	10 00					
	Apr. 18, 1848	20 00					
4 runs	Nov. 1, 1847	1st run \$80, each additi-onal, \$40.		April 1, Oct. 1	Oct. 1, 1848		
4 runs	July 1, 1850	120 00	60 00	Jan. 1, July 1	Oct. 1, 1849		
4 runs	Jan. 1, 1849	120 00	60 00	do	July 1, 1850	727 50	
20 runs	June 1, 1857	Each run \$30		April 1, Oct. 1		150 00	
10 runs	July 1, 1857	300 00	150 00	Jan. 1, July 1	July 1, 1859	1499 62	
8 runs	July 1, 1850	240 00	120 00	do	Jan. 1, 1851	280 00	
	May 1, 1863	20 00	In ad-vance	May 1	Date of lease.		

WILLIAMSBURGH CANALS.—STATEMENT of Water

Date.	Term of Lease.	LESSEES.	DESCRIPTION OF PROPERTY LEASED.			Area of Property leased.
			Section of Canal.	Nature of Property.	Situation.	
Mar. 1, 1849	Pleasure of Gov't	N. Empey .....	Farran's Point.	Wharf lot. ....		278 feet long.
do ... do	do	John Walsh.....	Rapid Plat ...	do .....		390 do
do ... do	do	Jas. Holden.....	do ...	do .....	At Williamsburgh..	202 do
Feb.—, 1852..	21 years.	Benj. Chaffey.....	do ...	Grist and flour mill lot.	Mill Street, along present wharf.	2 arp.38 $\frac{1}{2}$ per.
— 1847.	Not specified.	J. Wallace.....	Point Iroquois	Wharf lot.....	On his own property	.....
— 1848.	1 year...	Geo. Breuse.....	do ...	do .....	At head of section..	.....
Mar. 15, 1850.	Pleasure of Gov't	John S. Ross ....	do ...	do .....		217 feet long.
June 6, 1853.	21 years.	Wm. Elliot.....	do ...	Grist, flour and carding mill..	Below Matilda lock	1 rood 38 $\frac{1}{7}$ perches.
Nov. 12, 1853.	do	John Molson, jr..	do ...	Grist and flour mill .....	At Matilda.....	.....
— 1861. ....	.....	Alex & W. Molson	do ...	Mill lot .....	do .....	.....
Aug. 22, 1865.	21 years.	Philip Carman....	do ...	Tannery (water for his).	Part of W. $\frac{1}{2}$ of lot No. 24, 1st concession, Matilda.	.....
Aug. 30, 1865.	Pleasure of Gov't	Wm. Bailey.....	do ...	Wharf lot (No. 2).	In basin above lock No. 25.	100 x 40 feet.
Mar. 15, 1866.	do	J. Henry Ross....	do ...	Wharf lot (No. 1).	do do	100 x 40 feet.
— 1847.	Not specified.	J. Méthot.....	Galops Canal...	Wharf lot....	On his own property	.....
Mar. 1, 1849.	Pleasure of Gov't	James Slorah.....	do ...	do .....	Port Elgin ... ..	223 feet long
do ... do	do	K. McPherson.....	do ...	do .....	On his own property	100 do
do ... do	do	Wm. McLaughlan	do ...	do .....	do do	344 do
— 1852. ....	.....	Wm. S. Aiken .....	do ...	do .....	.....	.....
— 1861. ....	.....	Lawrence Byrnes.	do ...	do .....	.....	.....
Oct. 21, 1861.	21 years.	Benson & Aspden	do ...	Grist Mill lot...	Part of Lot No. 5...	32 64 per 100
Jan. 16, 1858.	Pleasure of Gov't	Mary Fraser .....	Junction Canal	Piece of ground	At Edwardsburgh...	.....
Jan. 6, 1847.	For ever.	James Jessup....	Galops Canal...	Mills and machinery.	On his own property (Edwardsburgh) part of W $\frac{1}{2}$ of No. 5, in 1st concession.	.....
		C. C. Farran.....	Farran's Point.	.....	.....	.....

Power and other Property leased to Various Parties.

Amount of Water Power leased.	Date of Auction Sale or from which Lease is reckoned.	Annual Rental.	Amount of each instalment.	When due each year.	When first Instalment was payable.	Arrears of rent up to 1st July, 1867.	REMARKS.
		\$	\$			\$ cts.	
.....	March 1, 1849	12	6	April 1, Oct. 1	April 1, 1849		Abandoned.
.....	do ...	44	22	do	do ...	22 00	
.....	do ...	40	20	do	do ...		Abandoned.
6 runs	July 1, 1849	246	123	Jan. 1, July 1	Jan. 1, 1850	123 00	
.....	April 1, 1847	10					
.....	April 1, 1848	40					Abandoned.
.....	Mar. 15, 1850	50	25	April 1, Oct. 1	April 1, 1850		He pays a rental of \$1 for another wharf on his own property, since 25th April 1849.
4 runs	Jan. 1, 1849	140	70	Jan. 1, July 1	July 1, 1851	70 00	
4 runs	Jan. 1, 1852	140	70	do	July 1, 1852	70 00	
.....	Jan. 1, 1861	140					
4 runs	Jan 1, 1865	140	70	July 1, Jan. 1	July 1, 1866	140 00	
.....	Aug. 30, 1865	20	20	August 30...	Aug. 30, 1865	20 00	
.....	Dec. 1, 1865	24	24	Dec. 1.....	Mar. 15, 1866	24 00	
.....	April 1, 1847	12					Abandoned.
.....	Mar. 1, 1849	50	25	April 1, Oct. 1	April 1, 1849		Abandoned.
.....	do	12	6	do	do	12 00	
.....	do	12	6	do	do	12 00	
.....	Jan. 1, 1852	12			Jan. 1, 1853	78 00	
.....	Jan. 1, 1861	12					
4 runs or 40 horses.	Nov. 16, 1858	160	80	July 1, Jan. 1	Jan. 1, 1860	1120 00	Pays this amount as ground rent.
.....		1			April 14, 1858	8 00	
8 runs	.....	Free					This privilege appears to have been granted free of rent, and in consideration of the transfer by J. Jessup to government of certain lots of land, and of the release of a sum of £137 10s. awarded for damages to his property.
4 runs	.....						

## RETURN

To an Address of the HOUSE OF COMMONS, dated 16th March, 1868 ; For Copies of all Correspondence regarding the appointment of Mr. Scoon as the Postmaster of Strathroy, and his dismissal from that office, and all documents having reference to such appointment and dismissal.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 30th March, 1868.

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

## RETURN

To an Address of the HOUSE OF COMMONS, dated 17th March, 1868; For  
Copies of Charges preferred against Mr. Harrison, Postmaster at Oil Springs,  
and Report of Inspector thereon.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 19th March, 1868.

## RETURN

To an Address of the HOUSE OF COMMONS, dated 17th March, 1868; For Copies of Complaints preferred against Mr. Kimball, Postmaster at Wilkesport, and Report of Inspector thereon.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 19th March, 1868.



# RETURN

To an Address of the HOUSE OF COMMONS, dated 30th March, 1868; For a Statement of the number of sittings, and the date and duration of each sitting of the Court at Amherst, in the Magdalen Islands, since its establishment; and for copies of all correspondence between the Government of the Dominion or the late Government of Canada, and the Judges of the District of Gaspé, relative to their inability from whatever causes to attend the said Court at different times, also to any other matters which may have hindered the administration of justice in the said County; also, for copies of all correspondence between the Government of the Dominion or of the late Government of Canada, and the several Judges of the Court of Queen's Bench, and of the Superior Court of the Province of Quebec, during the last three years, respecting the demand of leaves of absence, and respecting representations made on account of the failure of the administration of justice, arising from the absence or illness of certain Judges, or from any other cause; and also, for a Statement of the number of days that the Court of Review and the several Circuit Courts have not sat, owing to the absence of Judges.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 17th April, 1868.

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

# R E T U R N

To an Address of the House of Commons, dated 9th December, 1867; for Copies of all Orders in Council and Correspondence relating to the transfer of the Rondeau Harbour and Public Works therewith connected, with the Rondeau and St. Clair Plank Road Company, and the resumption of said Harbour and Works from said Plank Road Company; also, a Statement of the amount agreed to be paid the Government by the Rondeau Harbour Company for said Harbour, the amount actually paid, and the length of time said Harbour was in possession of said Harbour Company.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 23rd March, 1868.

(Copy of No. 1,592.)

PORT OF CHATHAM, 1st July 1851.

SIR,—With reference to your letters of 27th and 28th ult., I have the honor to acquaint you that the sale of the Rondeau Harbour (only) took place this day, when it was adjudged to the “Rondeau Harbour Company” for the sum of £2,001, consisting of the following persons, and which Company is entered at the Registry Office here:—

John Montgomery, Toronto.....	£ 375
Ebenezer Werwall, Troy (State New York).....	750
Wm. J. McAlpine, Albany, “.....	375
Edward Leonard, Troy.....	375
Edwin L. Stoddart, Toronto.....	375

£2,250

This Company were the only bidders at the sale. I beg to annex the statement of the Auctioneer, read to the meeting previous to the sale, and wish to know am I at liberty to pay his charges, which amount to £1 5s. currency.

I transmit the draft of Edward Leonard, Jun., and Cashier of Bank of Troy, in favor of Ebenezer Werwall, Jun., for \$800.40 being the deposit at 10 per cent.

I have the honor to be, Sir,

Your obdt. Servt.,  
(Signed,)

WILLIAM COSGROVE,  
*Collector.*

R. S. M. Bouchette, Esq., &c., &c.

GENTLEMEN,—I offer you for sale the Harbour only of Rondeau, subject to a lease to Mr. G. Elwood, of a lot 80 feet by 100 feet, on which he is to construct a warehouse, paying a rent of £5 per annum, which will revert to the purchaser of the harbour.

The lease is renewable for ever, and at the expiration of each period of 21 years a new valuation is to be made of the lot by the arbitrators, one to be appointed by each party. There is also a clause that should the Government require the lot for public purposes, they (the Government) can take possession thereof on paying the proprietors the then value of the improvements, to be determined by arbitration.

Mr. Elwood has also the privilege of building a store on the Rondeau wharf or pier. The payments to be made as follows: Ten per cent. to be paid down at the time of sale, and the remainder of the purchase money in equal annual instalments of five per cent., with interest, until the whole amount will be paid up.

(Signed,) MONCK, SLAGG & MCKAY,  
*Licensed Auctioneers.*

Per JOS. SLAGG,  
*Acting Auctioneer.*

Collector of Customs,  
Port of Chatham,  
1st May, 1851.

(Copy of No. 19,044.)

CHATHAM, COUNTY OF KENT,  
9th February, 1853.

SIR,—It is suggested that the Company organized to plank and gravel the Rondeau Harbour on Lake Erie and the River St. Clair, should apply to the Government for the surrender of that portion of the road over which the Plank Road Company propose to pass, and which is now under the control of the Government. From the Rondeau to Chatham the road was recently made by the Government, and over this portion of the line, without any deviation, our Company proposes to pass, and it is this portion we wish to have given to us.

This Company (which is fully organized under the Act of 12 Vic.) embraces the best names in this part of the country, and there is every reason to suppose that if the road over which the Government have control, he surrendered to them, the country at large will be greatly benefited.

I have the honor to be, Sir,  
Your very obedient servant,  
(Signed,) J. WADDELL, *Secretary,*  
*St. Clair & Rondeau Plank Road Company.*

The Hon. the Chief Commissioner of  
Board of Works, &c., &c., Quebec.

(Copy of No. 19,244.)

HOUSE OF ASSEMBLY,  
Quebec, March 14, 1853.

SIR.—I have the honor of transmitting to you, for the information of His Excellency the Governor General, a petition from Mr. E. Larwill and others, and also a letter to myself from that gentleman, on the subject of the Rondeau Harbour and other matters connected therewith.

Also, a petition from Mr. Stevenson and Mr. Downie, of Chatham, in Kent; also, the petition of Mr. DeSpend O'Keefe, of Sandwich.

I request you will be pleased to lay these petitions before His Excellency, and that I may be favored with His Excellency's reply thereto, which I will lose no time in communicating to the petitioners.

I have the honor to remain, Sir,  
Your obdt. servant,  
(Signed,) JOHN PRINCE.

The Honble. the Provincial Secretary, Quebec.

*To His Excellency the Right Honorable the Earl of Elgin and Kincardine, &c., &c., &c.,  
Governor General of British North America.*

The Petition of the merchants and other inhabitants of the Town of Chatham,  
RESPECTFULLY SHEWETH :

That your Petitioners are deeply impressed with the great advantage, in a commercial and marine point of view, of the Rondeau Harbour. Its great capacity, position, and safety, render it a place eminently calculated to be useful in all cases of emergency. The disposal of this property to a private company has not been attended with those great public benefits contemplated. On the contrary, ever since its transfer, the light-house has been a mere decoy, and several wrecks, with loss of life and much property, has been the result. No light having been kept in the light-house during the whole season of last year's navigation.

Your Petitioners would further observe, that the City of Cleveland, in the State of Ohio, is immediately opposite this Port, and the increased communication between the two places has determined a party to place upon the line a steamer of the first class to ply daily.

The advantage to be derived from this, by the mercantile community of the Town of Chatham, impel the undersigned to appeal to the Government for such aid in the premises, as circumstances seem to require.

And as in duty bound your Petitioners will ever pray.

(Signed,)

“  
“

EDWIN LARWILL,  
RICHARD MONCK,  
JOHN WINTERS,  
and 20 others.

CHATHAM, Kent, 1st March, 1853.

CHATHAM, February 24, 1853.

DEAR SIR,—I should have troubled you before with sundry matters and things, but I have been attentively engaged of late, in connection with others, in forming a Joint Stock Company to plank the road from the Rondeau to the St. Clair River, an object in which I know you have a deep interest—so also have the Government, for the Harbour will never be a place of importance, or will it ever be useful as a place of refuge for vessels in tempestuous weather until a plank or gravelled road is made. A company is now registered, among which is Mr. Thomas Waddle, McKeller, T. M. Taylor, Beaty and others, possessing the two great essentials—capital and common sense. Your good services, we think, we can depend upon in the matter involved, which is this: The Government own some 25,000 acres of land in Dover and Chatham Townships. The Canada Company nearly as much. I wrote Mr. Widder, the agent of the Company, inviting him to take stock in the road. He declined, but stated the Company would give pound for pound with the Government as a bonus to any Company or Municipality who would plank or gravel said road. This fact I communicated to the Honorable the Commissioner of Crown Lands, the Postmaster General and the President of the Council, stating the space between Chatham and Wallaceburg to be a mere wilderness, and the land unmarketable. The construction of the road would promote settlement, cultivation, drainage, health, enhance the value of land, and suggesting to the Government the propriety of granting such portions of these lands as it deemed advisable to any efficient Company who might undertake to make said road. To these letters I received flattering answers, especially from the Postmaster General. An application has now been made by the Company for a portion of these lands, as also for town lots in Shrewsbury, and upon the result of the issue will depend the construction of the road. Therefore I have to request your good offices in the matter, and hope that every exertion on your part will be made to effect our mutual interests.

I would beg to observe that no light was kept in the light-house at the Rondeau Harbour last year, and that in consequence many wrecks, much suffering and great loss was sustained. Please look after these things while in Quebec. The Road and Harbour are matters of great interest in Kent, and politically your looking after them will do our friend

George Brown, as much harm as it will do you good. Malcolm Cameron is bound to assist you in this road affair.

I see, by the Upper Canada *Gazette*, that another application will be made to incorporate an institution similar to the Elgin Association; for God's sake oppose it.

Respectfully yours,  
(Signed,) EDWIN LARWILL.

John Prince, M.P.P.

(Copy of No. 13,100.)

DEPARTMENT OF PUBLIC WORKS,

1st April, 1853.

SIR,—I am directed to acknowledge the receipt of your letter of the 14th instant, enclosing petition from E. Larwill and others, on the subject of the Rondeau Harbour and Road, (which documents have been transferred to this office from that of the Provincial Secretary), and with reference to the suggestions respecting a light, I have to inform you, that the Government having sold the Harbour, with the right of collecting dues, they do not feel called on to maintain the light there,—which should be done by the proprietors.

With regard to the Road, I am directed to inform you that a very large sum having been already expended in opening and grading it, it is considered proper that any further outlay should be incurred by the locality.

The Road will be shortly surrendered by proclamation.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) T. A. BEGLY,  
*Secretary.*

Col. Prince, M.P.P., House of Assembly.

(Copy of No. 14,616.)

DEPARTMENT OF PUBLIC WORKS,

28th December, 1853.

SIR.—I enclose a sketch of the Rondeau Harbour, together with a Memorandum calling upon you to visit and report upon that work—a service which you will be so good as to perform as soon as possible.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) T. A. BEGLY,  
*Secretary.*

Mr. D. Brown, Gosfield, C. W.

Memorandum to be sent with the accompanying sketch to Mr. D. Brown, at Point Pelée.

Mr. Brown to proceed at his earliest convenience to Rondeau, and make an examination of the Harbour, Pier-work, Break-water and Light-House at that place, and forward to the Secretary of Public Works, a full report on their present condition, in the following order, viz:—

1st. The length and position of the Pier-work, whether in good condition or otherwise.—If out of repair, state the nature and extent of the repairs required.

2nd. The depth of water between the Piers and in the Harbour generally.

3rd. The length and state of the different portions of the Break-water.

4th. The condition of the Light-House, its position with reference to the Harbour and whether the light be properly maintained during the season of navigation.

5th. State whether the light be of importance to the navigation generally, or, if only serviceable when entering or leaving the Port at Rondeau.

6th. Whether any repairs or improvements have been made to any of the works

within the past three years, and if so their nature and extent, together with such other information as can be obtained during the examinations.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) JOHN PAGE,  
Engineer, Public Works.

DEPARTMENT OF PUBLIC WORKS,  
Quebec, 24th Dec., 1853.

(Copy of No. 21,848.)

POINT PELÉE,  
30th January, 1854.

SIR,—I beg leave to report that I left here early on the morning of the 23rd inst., for the Rondeau Harbour, and arrived here again on the afternoon of the 28th inst. We do not have, in this part of Canada, snow sufficient for sleighing; still, for the last four weeks the weather has been very cold and stormy, the ice in the "O" Harbour was near 12 inches in thickness with large quantities of ice "piled up" on the piers and part of breakwater.

In order to furnish the following Report in strict accordance with the Memorandum of John Page, Esq., Engineer to the Department of Public Works, that you sent me in your letter of instructions, I purpose copying from Memorandum each "direction" in rotation:—

"1st. The length and position of the pier-work, whether in good condition or otherwise. If out of repair, state the nature, and extent of the repairs required."

The piers are two in number, and may be said to be east and west piers, running north and south, as per your "sketch" forwarded me. The total length of each pier is about 732 feet. Those piers appeared much the same as when I saw them last, in the fall of 1849, still, I think, they have "settled" a little in towards the "openings" between piers; more especially the east pier, at about 150 feet from the entrance of harbour, but excepting about 250 feet on this pier (east pier) there does not appear any portion of the piers in dangerous want of repair. However, both piers have a very-irregular and "broken" appearance. Both piers at the north or "back" ends have "settled," the "inside corners" nearly four feet running up to about 65 feet from the end. Still the piers could be made to look well by merely "levelling" up on the inside, excepting the 250 feet on the east pier already referred to, which ought to be taken down on the "out" or "backside" to the "water's edge," in order to "shorten" it as well as strengthen it, and afterwards "carried up." Stone for the filling might be taken out of the east breakwater without, in my opinion, doing it the least injury, consequently the expense of "levelling up" those piers would depend greatly upon whether or not the Department own at that place any scow or vessel to remove the stone from the east breakwater. Since 1849 those piers have not settled at the worst places two feet; the universal statement to me is that the piers have not settled one inch in two years, consequently if they were now "levelled up" they would "stand" fair.

"2nd. The depth of water between the piers and in the harbour generally."

The depth of water between the piers is about sixteen and one-half feet (16½) and in the harbour generally nine and one-half feet (9½).

"3rd. The length and state of the different portions of the breakwater."

The "breakwater," properly speaking, may be said to be "two breakwaters," as they run from the east and west piers. The breakwater at the east pier is about 833 feet long, in good condition.

The breakwater at the west pier is nearly the same as when I saw it in 1849. This west breakwater is also about 833 feet long, and is from three to four feet lower than the breakwater at the east pier. This west breakwater is partly covered at present with ice and sand, still I am able to report it in a good condition, and to state that although it is not as high as the east (I believe it never was carried up as high as the east breakwater), it answers as good a purpose as far as it goes, although, in my opinion, the west breakwater

is far too short, as close by this west breakwater there is a channel cutting through from the lake to the harbour; this "channel," however, does not as yet appear to be of any serious account. Indeed, as long as the channel is "shallow," and the opening under the main entrance to the harbour, these "natural outlets" cannot do a serious injury to the harbour; nevertheless, there is no doubt that if that west breakwater was lengthened it would be a benefit.

"4th. The condition of the light house, its position with reference to the harbour, and whether the light be properly maintained during the season of navigation."

The light house stands erect and firm as when built.

I was led firmly to believe that no light whatever had been kept up for the last two years, nor indeed any effort to keep up a light. On the east side of the light-house the "weather-boarding" has been "torn off" as if for the very pleasure of destruction. One of the "iron doors" of lantern had been thrown down, and was found by me near the house in a broken state, and put inside of house, and one of the lamps carried away, although I found "track" of it. This lamp is now in a house near the harbour. Otherwise the house is in a good condition, indeed it has stood the storms extremely well.

"5th. State whether the light be of importance to the navigation generally, or if only serviceable when entering or leaving the Port at Rondeau."

The light cannot be said to be of importance to the navigation generally. Of course vessels going "up or down" the lake when they see the "O Harbour Light" will know exactly where they are, and looking upon the "O" as a "Harbor of Refuge," the light may be said to be of importance, but this brings me to the only answer that can be given to this 5th question. To the Rondeau Harbour the light is of vital importance, and it ought to be kept up.

"6th. Whether any repairs or improvements have been made to any of the Works within the past three years, and if so their nature and extent, together with such other information as can be obtained during the examination."

No repairs or improvements whatever, in my opinion, or that I could hear of, have been made to either the piers or breakwaters within the past three years; although, as you are well aware, there is an expensive wharf running out into the harbour from the Village of Shrewsbury, that has had, as near as I could learn, £50 laid out on it, in the shape of repairs, although whether these repairs have done anything towards keeping the wharf up, or is able to keep it from falling down, is a question. The truth is, the engineering arrangements for that wharf had been a great error. I am entirely ignorant of who made the arrangements, but evidently the ice had been lost sight of.

Simply four piles driven down in the ground and afterwards the "balance" beams merely laid on the top of the "cap," hence when the ice "shoves" the piles "shove" over until they can get no further, and they then "break off." Consequently, there are at present seven piles "broken off" entirely, and most of the others "bent over" to such an extent, that, when standing on the ice alongside of the wharf, it looks as if the most prudent course is to remove the *whole* and begin again after a substantial manner—a course that I presume the Department will not deem proper to pursue, as the wharf may be said to have no connection whatever with the Harbour; but, properly speaking, concerns the trade of the port, which, I may here remark, is increasing fast in the matter of lumber and staves, although, I believe, I may still be in the line of my present duty to state, that I heard complaints relative to charges for "wharfage," and a statement that the "stave" trade would, to a certain extent, be driven from the Harbour through this.

The only simple or proper way that I "can see" to keep that wharf up after its present arrangements is to drive in a number of piles, and from those piles to stay the "bents," two piles can be driven upwards of a foot apart on each side of cap piece, the cap let into the piles, and the whole secured together with  $1\frac{1}{2}$  inch bolts. In 1849, as the Hon. H. H. Killaly, one of the Commissioners will remember, I did this in two instances, and in both "cases" it has answered real good purpose; they are both firm and secure at present.

As regards the matter of improvement at that wharf, a Mr. Stoddart, who I did not meet at the Harbour, he being absent at Chatham or some other place on business, has reduced the wharf about 180 feet, or taken off 7 lengths at 26, and at the end of the present wharf has sunk three rough cribs of about 30 by 10, taking a large portion of

the stone for the filling of them from the breakwaters. Those cribs are at present all of two feet above the surface of ice. On those cribs I understand it is Mr. Stoddart's intention to erect a warehouse, 60 by 30, and has already a few pieces of timber got out for sills, which is as far as he had got advanced, as far as I heard at least when I was at the Harbour.

I beg leave further to report that I went through the "log building" used at that Harbour as a Custom House. That building is in a good condition. A little "painting" and a coat of lime whitewash, however, would be of great service to preserve it. Buildings left in an isolated position and the one-half of the time uninhabited, soon decay unless attended to in time with repairs. All the other buildings, such as "storehouse," log-house, that could have answered well for a dwelling for Light-keeper, &c., &c., at the piers are, I may say, in ruins, "smashed up" and wantonly destroyed in the most "wicked" manner. Indeed I have not at any time, seen such deliberate or determined destruction where the destruction had been attended with so much labour to the perpetrators. Of course there is no individual living there, and I saw none able or willing to give me any information on this head, although I heard further that a great quantity of oil had been stolen, &c.

I have only to remark further that, at a distance of about half a mile from the entrance of the harbour, I observed a vessel "stranded on the beach." She stranded, I believe, last fall while attempting to "take" the harbour. This vessel, I hear, is yet expected to be got off.

I have the honor to be, Sir,

Your very obedient servant,

(Signed,)

D. BROWN.

Thomas A. Begly, Esq., Secretary, Public Works

(Copy of No. 28,493.)

PUBLIC WORKS,

Toronto, 24th Jan., 1856.

SIR,—Shortly after receiving your letter of the 26th December last, I examined the Harbour Works at Rondeau as minutely as circumstances would admit, which, coupled with former notes, enables me to submit the following remarks:

The entrance piers have settled—generally on the side next the channel—from 2 to 5 feet, and at one place as much as 9 feet, with the exception of the outer or southern end on both sides, where the scouring process that has undermined the inner works, seems to have had less effect, doubtless owing to their having been placed, in the first instance, at a greater depth. The rear portions of the works continue nearly throughout at their own original height, which gives the whole a very irregular, distorted and ruinous appearance, while the top of both piers in several places have such an inclination inwards as makes it dangerous to attempt walking along either; 100 feet of the west pier and 60 feet of the east at the inner end, has settled down almost to the water-surface, while the extreme end in both cases is even below that level. The worst place is, however, on the east side; a short distance from the light-house, where the inner edge of the pier is fully  $3\frac{1}{2}$  feet under the water-line, and for 300 feet very little over it at any place.

The breakwaters on both sides stand well and appear to have answered admirably the purpose for which they were constructed.

The main portion of the light-house structure is in good condition, but the windows, glass of the lantern, and one sash, lighting apparatus, a portion of the covering of the house and lantern have been destroyed, and there is every appearance of an attempt having been made to force the lantern out of its place. It is said no light has been kept up for the last four years.

The wharf extending outward from the north shore is in many places much out of repair. At the outer end from 200 to 300 feet in length has been carried away by ice or otherwise: about 240 feet near the shore, is in bad condition, while at a number of other places the piles are either broken off, or so much bent over, as not to afford a bearing to the caps that support the longitudinal stringers, thereby rendering the whole insecure.



The only repairs made by the Company, who conditionally purchased the property, so far as I could ascertain, consist in securing the underwork of the wharf for a short distance, removing and relaying the plank where this had been done. The probable expense of which would amount to £50 or £60. And at the outer end of the remaining portion of the wharf, some years ago, sinking three rough cribs, 10 by 30 feet each, filled with stone, obtained chiefly from the breakwater; on these cribs, it is said the Company at one time intended to construct a store house, the erection of which appears either to have been abandoned or indefinitely delayed. Probable cost of cribs, £75.

From what has been said, it will be evident the greater portion, if not all the important works are more or less out of repair. The entrance piers being so much so that a vessel in making or leaving the Port, in even a moderate gale, is not only liable to be injured by striking the corner of the superstructure, at the water-line, but of being carried by the sea on to the top of the pier. This risk, imminent at all times while the works remain in their present condition, is still further augmented by the discontinuance of a guide light at the entrance, especially during the boisterous season when the nights are longest, which not only operates unfavorably on the trade of the Port itself, and the surrounding country, but deprives vessels in distress of seeking, or at least of obtaining, that shelter, nature and former improvements renders the whole capable of affording, to an extent and advantage unequalled by any place on either shores of Lake Erie.

According to this view of the matter, the present ruinous state of the entrance cannot be considered otherwise than as a positive backdraw to the general trade.

Such being the case, it appears proper to draw attention to the official notice of transfer, dated 2nd Sept., 1852, published in the *Gazette* of the 8th January, 1853, where it will be seen among other matters, the second condition of surrender binds the Company to "keep the Piers, Wharf and Breakwaters and all other works, and at all times hereafter, in thorough repair, &c., &c." That this most essential of all the conditions has been utterly neglected will be obvious from the description given of the present state of the works.

However averse to advising a course likely to operate injuriously on individuals, still when they become in a great measure the means of retarding the progress of a very important section of country, by permitting impediments to exist in the way of traffic and of vessels obtaining shelter, by their neglecting to maintain an essential public work committed conditionally to their charge at a nominal rate, the matter assumes an entirely different aspect from an ordinary transaction, and appears not only to justify, but positively demand, prompt and decisive means to be adopted, which the Government alone can exercise, by again acquiring possession of the whole in accordance with the terms of surrender.

To place the Piers and Wharf in a fair state of repair would, in my opinion, require the following expenditure:—

Removing superstructure of both piers, for about two-thirds of their length, and rebuilding same to an uniform height of six feet over the water, the sum of.....	£2,300
Securing foundation of cribs in channel with fascines, brush, and stone.....	1,000
To put landing wharf in ordinary repair.....	1,000
But to place it in anything like a permanent-condition would cost not less than £4,500	
Repairs to Light-house.....	100
Building house for keeper.....	150
	£4,550

Which, with the extension of the *West Breakwater*, would make the Eau, one of the best as it now is the most extensive Harbour on Lake Erie.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) JOHN PAGE,

*Engineer Public Works.*

Thomas A. Begly, Esq., Secretary, Public Works.

(Copy of No. 29,354.)

To His Excellency Sir Edmund Walker Head, Baronet, Governor General of British North America, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:

The undersigned has the honor to represent, that the inhabitants of a large portion of the County of Kent, for which he has the honor to be Member of Assembly, complain loudly of the ruinous state into which the works at the Rondeau Harbour have been allowed to fall, whereby the trade and commerce of that important section of the country are very seriously obstructed and injured; that Harbour being the natural outlet for its products as well as the channel through which a large portion of its imports would be derived.

This Harbour was transferred, in 1852, to a Company incorporated for the purpose of acquiring it. It was disposed of to them for a sum that may be considered a nominal amount. When so transferred, the Harbour was in a comparatively efficient state, and it was particularly conditioned that the Company to whom it was so granted should at all times maintain it in a thorough state of repair. But so far from this reasonable and necessary condition being complied with, the works are now in a state of absolute ruin. No vessel can enter or leave the Harbour without imminent risk; the Piers are tumbling over, and are even under water for a considerable length. No light has been exhibited since the company obtained possession of the works; the consequence of all which is not only ruinous to the trade of the locality, but destructive to vessels which would otherwise find a safe asylum in the Harbour, as close to the entrance of which several wrecks have accordingly taken place.

The undersigned has also the honor to approach Your Excellency upon the subject in his capacity of stockholder of the St. Clair and Rondeau Plank Road Company, and in their name, to represent that the Road has been constructed by a few individuals at considerable expense, chiefly with the view of opening up and getting a large tract of unsettled land—a considerable portion of which belongs to the Province. One of the terminations of this road is at the Rondeau Harbour, from which was to be derived much of the revenue expected from it, but in consequence of the state of the harbour as above described, the advantages reasonably calculated on from the Road have not been had. Under such circumstances, the undersigned would respectively urge upon the consideration of Your Excellency, whether the interest of the county which he has the honor to represent, those of the adjoining counties and those of the Road Company adverted to, do not demand that the Rondeau Harbour should be at once taken out of the hands of the Harbour Company, in pursuance of the 3rd condition expressly introduced into the Deed of transfer to meet such a contingency.

And in the event of Your Excellency thinking it proper to have this course taken, the Road Company, of which he is one, would be prepared to assume the Harbour and to put it into a state of suitable and thorough repair, for the maintenance of it in which state, the joint interest of the Company as proprietors of the Road and Harbour would be the best guarantee.

The cost of our putting these works into proper order would be little short of £10,000 in consideration of which outlay the undersigned would respectfully represent that the Company should have assigned to them, together with the Harbour, the several village lots at the termination of the Road and adjoining the wharf. Which lots would be necessary to the Company for the purpose of erecting store houses and other buildings connected with the Harbour, for the encouragement of trade to it. The little value of these lots is evident from the fact that, since the reserves were made, eight or ten years back, but one miserable hut has been put up.

Respectfully submitted,  
(Signed,) EDWIN LARWILL

Toronto, March 10, 1856.

(Copy of No. 1,387.)

*To His Excellency the Governor General.*

Upon the Memorial of the President of the St. Clair and Rondeau Plank Road Company, transmitted to this office by the Hon. the Provincial Secretary, the undersigned has the honor to report, that the works at the Rondeau Harbour, constructed by the Province, and which consist of extensive breakwaters, entrance piers, and a landing wharf of a considerable length were, by notice through the official *Gazette*, of date 2nd September, 1852, transferred to a certain incorporated company, called the Rondeau Harbour Company, under the provisions of the Statutes 12 Vic., cap. 5, and 13 & 14 Vic., cap. 14. The consideration to be paid by the Company for such transfer was the sum of £2,001, one-tenth to be paid down, and the remainder in annual instalments of £100 each, together with interest on the sum remaining due at the date of the respective instalments.

The Rondeau is one of the very few positions on the Canada side of Lake Erie, which presents considerable natural facilities for the construction of a commodious and safe harbour. It is peculiarly well situated to accommodate the export of the produce of a very extensive tract of country, second in fertility and productiveness to none in the Province, and also to serve as an asylum Harbour in bad weather, which is very frequent on this lake. The keeping of this Harbour therefore in an efficient state of repair at all times is of serious import, in view of which certain stringent conditions were embodied in the transfer to the Company, among which are the following:—

That the Harbour Company shall at all times keep the Harbour and the entrance thereto free and clear of all obstructions, and also maintain the whole of the piers, breakwaters, wharves and other works at all time in a state of thorough repair, the sufficiency or insufficiency of which to be determined by the Engineer of this Department, whose decision and report thereon shall be final and conclusive.

From the date of the Harbour being so placed in the hands of the Company, complaints have frequently been made of its wholly neglected state, of the works being allowed to fall into ruin, of no light being maintained, in consequence of which several vessels have been lost in the immediate vicinity of the entrance; for compensation for the loss of which, memorials from the proprietors are at this moment before the Government.

Under such circumstances the Commissioner of Public Works considered it necessary, some time back, to send their Engineer to make a particular examination of and report upon the state of the works, which are found and described by him to be in a state of utter ruin. The piers are in such a state as to make it dangerous for a person to walk on them, part of them being  $3\frac{1}{2}$  feet under water.

The windows of the light-house, glass of the lantern, part of the sashes, lighting apparatus, and portion of the covering of the house have been destroyed, and no light has been exhibited for four years. The entire wharf is also in a miserable state; from 200 to 300 feet in length of it have been destroyed altogether, and the Engineer reports, that during the whole time these works have been in the hands of the Company only a comparatively trifling sum of about £100 has been expended in repairing part of the landing wharf, but that no repairs whatever have been made to the entrance piers, the condition of which is such, that the Engineer says, "a vessel in making or leaving the port, even in moderate gales is not only liable to injury by striking the corner of the superstructure at the water-line, but to be carried by the sea on to the top of the pier."

He further represents, that from no light being kept up, not only is the trade of the port and of the surrounding country seriously injured, but vessels in distress are prevented from seeking or obtaining that shelter which nature and the former improvements, if properly maintained, would render the Rondeau capable of affording to an extent unequalled by any place on either side of the river.

To put the works into an effective state of repairs he estimated would require a large outlay, not less than £8,500.

To provide against such neglect, it was expressly stipulated, in the third condition of the transfer, that in default of the performance of the preceding condition or any part of it, namely, the engagement to keep the works in thorough repair, the Government might enter upon the works and take possession of them, and that any payment made by the Company shall be forfeited, and the Company held liable to the extent of their capital for any damages caused by said default.

The Company entered at the Registry office consists of:—

John Montgomery, Toronto.  
E. Weswal, Troy, N.Y.  
W. McAlpine, Albany.  
E. Learned, Jun., Troy  
E. Stoddart, Toronto.

Under all the circumstances the undersigned would strongly recommend that the Crown Officer be instructed to take the proper steps to obtain possession of the works as provided by the third clause in the transfer.

In consideration of the deep interest which the Lake St. Clair and Rondeau Road Company must feel in having this Harbour put and maintained in a state of thorough efficiency, the undersigned is strongly of opinion, that the best disposition that could be made of it, for the interests of the Province, would be to transfer it to the Company (on condition of it being resumed under the Act which specially provides for such transfers), stringently binding them of course to put the works in thorough repair, and at all times to keep them so under penalty as may be considered expedient, and in consideration of the large amount now required to be expended on them, and the necessity of the proprietor of the Harbour having a reasonable extent of ground connected with it, whereon to form approaches to the wharves and erect warehouses, the undersigned would further recommend that all the several village lots undisposed of, and referred to in the accompanying Petition, should be transferred along with the works of the Harbour.

Many of them are mere swamp, and the little value set on them by the public, may be seen from the fact stated in the Petition, that since they were laid out, but one wretched shanty has been erected.

(Signed,) Respectfully submitted,  
HAMILTON H. KILLALY,  
*Assistant Commissioner.*

PUBLIC WORKS, Toronto, 24th April, 1856.

(Copy of No. 35,607.)

WINDSOR, C.W.  
30th December, 1857.

SIR,—In accordance with your letter of the 10th inst. (22,879), enclosing the report of the Chief Engineer on the Rondeau Harbour, I lost no time in proceeding to its inspection.

I found that the dilapidations of those roads and the landing pier were now much more extensive than the description given two years ago, and that the whole were fast going to ruin from the combined effects of the undermining current, age and neglect, hastened by the never-ceasing action of the waves on its more exposed parts, which, from the decay in some of the timbers of the cribs, is likely to make short work.

As it would be impossible to give a clear idea of the settlement of the piers inwards, and the many causes of dilapidations by a mere written description, I have made a plan and cross-section, to accompany this report, as well as to shew a new feature in the element of destruction which arises from the shifting of the western opening.

The entrance piers have settled inwards towards the channel which is now scoured out to the uniform depth of 21 feet in the centre, and from 15 to 18 feet immediately close to the cribs. This, without doubt, has been the primary cause of the dilapidation, as I understand the original depth of the channel and works were about 10 feet under the water.

The state of the western Pier, which is decidedly the most advanced in decay, is as follows, viz: about 50 feet of the northern end is entirely gone, and the next 50 feet is so turned over that it forms a curve inwards and has the whole front under water three or four feet. The next 80 or 90 feet, being the part that abuts on the breakwater is scarcely moved out of its place; for the next 450 feet the angle of inclination inwards varies from 16 to 36 degrees, having the greater part of the front under water, some to the depth of six feet

The south of this pier had a return of more than double width, which kept this end from canting inwards, but the southern end has been undermined and broken up by the waves, and has lost about 30 feet from its length; the greater part of the top planking of this pier is either gone altogether or very much rotted; and the whole presents a most distorted and ruined appearance, and is not in my opinion, capable of being repaired in such a manner as to be of any permanence.

The western breakwater has been broken up on top, and washed level with the same, probably 18 inches above the water-level; about 725 feet of it still remain entire, but the western end is gradually breaking up, and has already lost about 100 feet of its length.

The eastern pier has apparently lost several feet from its northern end, which is gradually sinking and breaking up, and the whole length, with the exception of about 100 feet abutting on the breakwater, is inclined inwards from 10 to 32 degrees, and about 100 feet near the southern end has the front entirely under water, the plank off, and fast breaking up. As far as I could ascertain 100 feet of the south end of this pier is entirely swept away, this includes the pier on which the light-house stood, and the result of my soundings over the spot gave a depth of from 6 to 10 feet of water.

The light-house pier did not move until relieved of the superincumbent weight of the tower, and now there is not a vestige of it to be seen.

The eastern breakwater is entire, and nearly as good as the day it was put down and seems to have completely answered the purpose for which it was intended.

The light-house was burned down last spring, I believe, accidentally. The facts, as near as I could learn were, that two men out fishing had gone into the tower for shelter from the weather; they made a fire on the floor and fell asleep, and were awakened up to find the tower on fire, from which they made their escape as quickly as possible. With the exception of a few large timbers it was burned to the water's edge. There had not been any light in it for a period of six years, and it was in a very dilapidated state without doors or window, and the whole of the glass of the lantern broken.

I will now draw attention to a matter that must form an important consideration in any future repairs or works to improve the entrance piers of this harbour, that is the shifting of the western opening to the eastward, during the last ten years for upwards of half a mile, and has only been stayed in its present position by the obstruction offered in its further progress by the western breakwater; as this obstruction will be gradually overcome (it is only a question of time) it will make its way to the west pier, and it becomes a question of very grave moment, whether the spit of sand and shoal found on its eastern side may not overlap and stop up the approach to the artificial entrance on the north side.—There is, however, at present, a constant current either flowing into or from the Rondeau.

From this cause before any permanent improvement could be made, I consider that the west pier should be altogether removed and placed more to the westward, so as to leave the opening between the piers about 400 feet wide; or as much as would leave the united sections of the waters of the artificial cut, and the western opening, an exit having 15 feet as its maximum depth. The western opening could then be closed by a double row of piles, and the sand would soon form round them and effectually close it for ever.

The east pier and breakwater, in my judgment, could not be better placed, and this pier could be repaired by facing inside and out by piles well tied together, and capped 6 or 7 feet above the water, the whole to be filled up with Benton or water concrete to that level, or planked over on the top. The foundation of the light-house should be piled, the piles to be sawn off 1 foot below the level of the water, and built upon by heavy blocks of stone from the Islands, or Amherstburgh quarries, until raised 7 feet above the water. The tower and other buildings could then be erected with ordinary building stone from Amherstburgh or Kingston.

The west pier could be formed of double rows of piles, well tied together and filled in with the stone in the present pier to the level of the water, and planked at the height of 7 feet above the water.

I fully agree with Mr. Page, that both from nature, and from improvements, the Rondeau Harbour has advantages unequalled by any place on either shores of Lake Erie, for affording shelter to vessels in distress, and doing a large trade, if the entrance was only permanently improved, and a good light-house erected to point out the entrance. It

should also be borne in mind that the County of Kent is increasing vastly in population and wealth from her agricultural products alone, and that the whole of this produce (nearly) has now to be shipped from Chatham, entailing on the settlers of the southern townships a long land journey, and a smaller price for their produce, as it has to be carried 150 miles further by water from Chatham than if shipped from the Rondeau.

The wharf at Shrewsbury, on the northern side of the Eau, is in such bad condition that it cannot be used for teams, and as there has been 600 feet or so carried off from the outer end, vessels cannot approach it drawing more than 7 feet of water; some 1,100 feet or more towards the shore is only a very temporary affair and level with the water, the ice having broken through and carried most of it away, and repaired by the people for their own convenience. Should the remnant survive the ice of next spring it cannot be used, as the whole is so rickety and out of perpendicular, that very little weight overturns the piles and breaks through. A new wharf, 7 feet above the water and well tied together, would require to be built before trade to any extent could be carried on them.

Should this be done a large grain store-house should be built, and it would pay a large interest on the money expended.

I have appended an estimate of about the probable cost of making the whole in an efficient and permanent state; but a light-house and a wharf are the most required, as with these the trade of the port could be resumed, while the other matters are being carried through.

I have the honor to be, Sir,

Your most obedient servant,  
(Signed,) WILLIAM SCOTT,  
Civil Engineer.

To Thomas A. Bégly, Esq.,  
Secretary, Public Works.

#### RONDEAU HARBOUR.

*ESTIMATE of the probable Cost to place the Entrance in a proper state, build Light-house and make a new Landing Wharf and close up the Western opening*

Removing west pier and part of breakwater.....	£700 0 0
Building 700 feet of west pier, piled and filled with stones from present pier to the water-level .....	1,800 0 0
Repairing and making permanent the east pier to the length of 700 feet, filled with cement or Bentou to 7 feet above water.....	2,300 0 0
Light-house, pier, dwellings and tower.....	2,200 0 0
Extension of west breakwater by piles across western opening.	1,500 0 0
New wharf.....	4,500 0 0
Storehouse.....	500 0 0
Total.....	<u>£13,500 0 0</u>

(Signed,) WILLIAM SCOTT,  
Civil Engineer.

31st December, 1857.

(Copy of No. 2, 302.)

OFFICE OF MINISTER OF JUSTICE,  
Ottawa, January 23rd, 1868.

SIR,—In reply to the verbal enquiries, on your behalf, as to the taking possession of the Rondeau Harbour by Government in 1856, I beg to transmit you a letter from the Sheriff of Kent, stating that he took possession, under warrant, on the 4th of August, 1856.

On inquiry at the office of the late Provincial Secretary, it appears that the warrant was returned to the Attorney General on the 7th August, 1856, but I cannot find any trace of it here.

I have the honor to be, Sir,  
Your obedient servant,  
(Signed,) H. BERNARD.

T. Trudeau, Esq.,  
Assistant Commissioner of Public Works.

SHERIFF'S OFFICE, COUNTY OF KENT,  
Chatham, 20th January, 1868.

*Regina vs. The Rondeau Harbour Company.*

SIR,—I beg to acknowledge the receipt of your letter of the 16th inst., requesting me to report what action was taken on warrant on above cause; and, in reply, beg to inform you that said warrant was received by me, 30th July, 1856, and endorsed "to enter upon and take possession of the Rondeau Harbour, Works, &c., and to deliver same over to Her Majesty's Collector of Customs for said Port;" in accordance with said instructions, I did, on the 4th day of August, 1856, personally take possession and deliver said property into the custody of George Duck, Esquire, the Collector for said Port, and returned said warrant to the Honorable Provincial Secretary on the 6th of said August, A.D. 1856.

I have the honor to be, Sir,  
Your obedient servant,  
(Signed,) JOHN MERCER,  
*Sheriff.*

John Stuart, Esq., &c., &c.,  
Attorney General's Department,  
Ottawa.

## RETURN

To an Address of the HOUSE OF COMMONS, dated 16th March, 1868; For Copies of the Orders, Warrants and Papers connected with the issue of the Writs for the late elections of Huntingdon, Montmorency, and Restigouche, and copies of the Writs.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 23rd March, 1868.



## RETURN

To an Address of the HOUSE OF COMMONS, dated 17th March, 1868; for Copy of all Correspondence had with the Government respecting the North-West Territory, including British Columbia, since the 5th December, 1867.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 24th March, 1868.

*The Governor General to the Duke of Buckingham and Chandos.*

(Copy, No. 107.)

GOVERNMENT HOUSE,  
Ottawa, 21st Dec., 1867.

MY LORD DUKE,—I have the honor to transmit a joint Address to Her Majesty the Queen, from the Senate and House of Commons of the Dominion of Canada, praying that Her Majesty will be graciously pleased to direct that an Order in Council may be passed in conformity with the provision of the 146th Section of the British North America Act, 1867, for annexing to the Dominion of Canada the territory of Prince Rupert's Land and the Red River Settlement.

I have the honor to request that your Grace will lay this Address at the foot of the throne.

I have, &c.,  
(Signed,) MONCK.

His Grace the Duke of Buckingham and Chandos,  
&c., &c., &c.

*Lord Monck to the Duke of Buckingham.*

(Copy, No. 1.)

GOVERNMENT HOUSE,  
Ottawa, Canada, January 1, 1868.

28th December. MY LORD DUKE,—Referring to my Despatch No. 107, of 21st December,  
Commons pro- 1867, I have the honor to transmit to Your Grace an approved Minute of the  
ceedings, 5th, Privy Council of Canada, together with the Resolutions of both Houses, and  
6th, 9th, 11th,  
18th Dec.

the proceedings upon them respecting the proposed annexation of Prince Rupert's Land and the North-West Territory to the Dominion of Canada.

I desire especially to call Your Grace's attention to the Eighth resolution adopted by both Houses, and which was not incorporated in the Address to Her Majesty.

If Her Majesty's Government should approve of the proposed incorporation with Canada of this Territory, on the terms contained in the Address to the Queen and these Resolutions, it would be of great advantage to my Government if I could be informed of the decision by telegraph, in order that all necessary steps may be taken for carrying the arrangement into effect.

I have, &c.,  
(Signed,) MONCK.

His Grace  
The Duke of Buckingham and Chandos,  
&c., &c., &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 December, 1867.*

The Committee have had under consideration the annexed Memorandum from the Honorable the Minister of Public Works, submitting, for the approval of Your Excellency in Council, certain recommendations on the subject of the negotiation with the Imperial Government for the transfer of Rupert's Land and the North-West Territory to Canada, and they respectfully advise that a copy of the same, when approved by Your Excellency, be forwarded to His Grace the Secretary of State for the Colonies, as embodying the views of the Canadian Government on that important question.

Certified.

W. H. LEE,  
Clerk P. C.

The undersigned has the honor to submit, for the consideration of Your Excellency in Council, the following recommendations on the subject of the negotiation with the Imperial Government for the transfer of Rupert's Land and the North-West Territory to Canada.

I. That in addition to the joint Address of both Houses on the subject, Your Excellency will be pleased to transmit to the Secretary of State for the Colonies, the Resolutions as they were finally adopted by the House of Commons and the Senate, with the votes and proceeding of both Houses thereon.

II. That the attention of His Grace the Duke of Buckingham, be specially called to the Eighth Resolution, which was not embodied in the Address, and was not intended by the Canadian Parliament to express a term or condition of the Order in Council, authorized by the 146th Section of the British North America Act.

III. That your Excellency will be pleased to express to His Grace, as the opinion of the Canadian Government, that it is highly expedient that the transfer, which the Imperial Parliament has authorized and the Canadian Parliament approved, should not be delayed by negotiations or correspondence with private or third parties, whose position, opinions and claims have heretofore embarrassed both Governments in dealing with this question.

IV. That in the opinion of the Canadian Government, the terms of the Address cannot be materially altered or extended without causing injurious delay, and greatly embarrassing the people and Government of Canada in their efforts to open communications with the Territory, to encourage emigration and settlement, to establish law and order, and to provide for the speedy organization of Municipal and Local Governments therein.

V. That recent proposals in the Congress of the United States in reference to British America, the rapid advance of mining and agricultural settlements westward, and the avowed policy of the Washington Government to acquire territory from other powers by purchase or otherwise, admonish us that not a day is to be lost in determining and publishing to the world our policy in regard to these territories.

VI. That Your Excellency will be pleased to request His Grace to inform Your Excellency by Atlantic Cable (if the information can be so communicated), whether the Imperial Cabinet will at once advise Her Majesty to approve of the transfer on the terms of the Address, in order that the Canadian Government may be prepared to submit appropriate measures on the subject on the re-assembling of Parliament in March next.

Respectfully submitted,

(Signed,)

WM. McDOUGALL

December 28th, 1867.

*The Duke of Buckingham to Lord Monck.*

(Canada, No. 16.)

DOWNING STREET, 18th January, 1868.

MY LORD,—I have received your despatch, No. 107, of the 21st December, accompanied by an address to Her Majesty from both Houses of the Canadian Parliament, proposing the annexation of Prince Rupert's Land and the North-West Territory to the Dominion of Canada. I have also received your Lordship's subsequent despatch, No. 1, of the 1st January, enclosing Resolutions adopted by the two Houses on the same subject, and an approved Minute of the Privy Council.

These proceedings will receive the early and serious attention of Her Majesty's confidential advisers.

The decision of Her Majesty's Government will be communicated to you as early as possible; but the consideration by them of so important a subject will necessarily occupy some short time.

I have, &c.,

(Signed,)

BUCKINGHAM AND CHANDOS.

Governor the Right Honorable Viscount Monck,  
&c., &c., &c.

*Requisition to his Worship the Mayor of Victoria:*

We, the undersigned citizens of Victoria, would respectfully request your Worship to call a public meeting in the Theatre, on an early day, for the purpose of enquiring of His Excellency the Governor, what progress has been made in the negotiations respecting the admission of this Colony into the Dominion of Canada, and to consider the advisability of taking further steps to accomplish that object.

George J. Findlay,  
Lowe, Bros.,  
Lumley Franklin,  
J. H. Turner & Co.,

J. W. Powell,  
Robert Wallace,  
J. R. Stewart,  
and fifty-five others.

*Reply:*

VICTORIA, January 27, 1868.

GENTLEMEN,—In reply to your numerous signed Requisition, asking me to call a public meeting for the purpose named therein, I have great pleasure in acceding to your request, and therefore appoint Wednesday evening next, at 7½ o'clock, for said meeting.

I have honor to be, yours, &c

JAMES TRIMBLE,

Mayor of Victoria.

To Messrs. George J. Findlay, J. W. Powell, Lowe Bros., Robert Wallace, Lumley Franklin, J. R. Stewart & Co., and others.

Mr. DeCosmos then offered the following Preamble and Resolution :

Whereas, we recognize in the successful consolidation of Canada, New Brunswick and Nova Scotia, into one great Government, constituting a new Nationality, the hand of destiny pointing unerringly to the speedy consolidation of all British North America.

And whereas, the recent action of the Canadian Parliament in asking the Imperial Government to transfer the North-West Territory to the Dominion, making British Columbia its western boundary, removes all obstacles of a territorial character to our admission into the Confederacy ;

And whereas, the Legislative Council, at its last session, unanimously passed an Address to the Governor, asking him to apply to the Government of Canada to admit this Colony into the Dominion ; and whereas, information respecting such admission has not, as yet, been communicated to the public through the Legislative Councillors as was expected ;

*Resolved*, That we deem it expedient that steps should be taken to conclude negotiations with the Government of Canada, for the immediate admission of this Colony into the Dominion, on fair and equitable terms ; and that an essential condition to such admission should be the construction, by the Dominion Government, within two years, of a trans-continental wagon road, connecting Lake Superior and the head of navigation on the Lower Fraser.

When put to vote the Resolution in favor of Confederation, with the Overland Wagon Road as an essential condition, was successful amid the wildest enthusiasm. Only about twenty hands were raised in opposition. A resolution appointing a Committee to await upon the Governor to ascertain what progress had been made in the matter, and to take steps to further negotiations for the Union of this Colony with the Dominion, was unanimously adopted, and the meeting broke up with three cheers for the Mayor.

—*Colonist*.

Mr. Seelye offered the following resolution, which was seconded and carried unanimously :—

*Resolved*, That a Committee of six, including the Mayor, be appointed by the Chair to wait on His Excellency the Governor, and urge the adoption and carrying out of the views of the meeting, and that such Committee be authorized to transact any other business that they may deem expedient to further the cause of Confederation.

The Mayor appointed Messrs. Lumley, Franklin, A. De Cosmos, Dr. Powell, H. E. Seelye, Robert Wallace and G. J. Findlay, who, with His Worship added, completes the number called for in the resolution.

Three cheers were given for the Mayor and three for Confederation, after which the vast assemblage separated, and thus ended the most enthusiastic meeting in favor of Confederation ever held here.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th March, 1868.*

The Committee have had under consideration, a Memorandum dated 5th March, 1868, from the Honorable the Minister of Public Works, stating that certain Resolutions on the subject of Union with Canada, adopted at a public meeting of the inhabitants of Victoria, British Columbia, on the 29th of January last, transmitted through the Honorable S. L. Tilley to the Secretary of State for Canada, were on the third instant referred to a committee of the Honorable the Privy Council, and by the Council referred to him the Minister of Public Works for immediate Report.—That he has read and duly considered the purport of these resolutions, the circumstances under which they were passed, and the action which ought to be taken by the Government of Canada thereupon.

That it appears from these Resolutions and the Memorial of the Committee appointed at the public meeting, which accompanies them, that the Legislative Council of British Columbia, on the 18th of March, 1867, unanimously adopted a Resolution requesting His Excellency, Governor Seymour, “to take measures, without delay, to secure the admission of British Columbia into the Canadian Confederacy on fair and equitable terms.”

That it appears further that neither the people of British Columbia, nor the Govern-

ment of Canada, have been apprised of any measures that may have been taken by the Government of British Columbia, in pursuance of the Resolution of the Legislative Council.

That the Resolutions adopted at the public meeting of the 29th January, which was called and presided over by the Mayor of Victoria, the Chief City of the Colony, and the statements of the memorial signed by the Mayor and by members of the Legislature and others, leave little room to doubt that the people of that Colony are willing and anxious that it should be admitted into Union with Canada, if the terms of admission can be agreed upon.

The Minister of Public Works calls attention to the 146th section of the British North America Act, which applies to the case of British Columbia in express terms.—That it will be seen the Resolution of the Legislative Council was passed before the British North America Act came into force, and that it did not specify the terms of admission which the Council asked the Government to secure. That it is evident therefore that further action is necessary by the Legislature of British Columbia, before admission can take place under the provisions of the Imperial Act.

That it is suggested in the Memorial of the Mayor and other citizens of Victoria, that the Legislature of the Colony, being largely composed of officials, is not so zealous for Confederation as the people whose opinions and wishes it ought to represent.

The Minister submits that, considering the peculiar Constitution of the Legislature and Government of British Columbia, and that, notwithstanding the Resolution of the Legislative Council in March of last year, and the Resolutions of Public Meetings, and the expression of opinion through the Press of the Colony, before and since the Act of Confederation, in favor of Union with Canada, no official communication on the subject from British Columbia has reached this Government, he would recommend that Your Excellency communicate to His Grace the Duke of Buckingham a Copy of the Memorial and Resolutions referred to, and request His Grace to instruct Governor Seymour to take such steps as may be deemed proper to move the Legislative Council of British Columbia to further action in terms of the Imperial Act. He further recommends that His Grace be informed that the Government of Canada will be prepared to submit to Parliament a proposal for the admission of British Columbia into the Union, in the expectation that the Imperial Government will lose no time in transferring the intervening North-Western Territory to the jurisdiction of the Canadian Government.

The Committee concur in the above recommendations, and submit the same for Your Excellency's approval.

Certified.

WM. H. LEE,  
C. P. C.

To the Honorable the Secretary of State, Canada,  
&c., &c., &c.

*The Governor General to the Duke of Buckingham and Chandos.*

(Copy.—No. 35.)

GOVERNMENT HOUSE,  
Ottawa, 7th March, 1868.

MY LORD DUKE,—I have the honor to transmit, for Your Grace's information and favorable consideration, an approved Minute of the Privy Council of Canada, on the subject of certain Resolutions adopted at a public meeting of the inhabitants of Victoria, British Columbia, with reference to the desire of that Colony to be incorporated with the Canadian Union.

I have, &c.,  
(Signed,) MONCK.

His Grace  
The Duke of Buckingham and Chandos,  
&c., &c., &c.

VICTORIA, V. I., B. C.,  
1st February, 1867.

SIR,—I am instructed by the Committee to inform you that the reason for sending this Memorial, previous to calling upon Governor Seymour, is, that the Governor resides at New Westminster, 90 miles from Victoria, and there being no steamboat communication to that place for one week; and, in consequence of the sailing of the Mail steamer to-day, it was necessary to send them now, or suffer a delay of one month.

I have, &c.,  
(Signed,) H. E. SEELYE,  
Secretary to Committee.

Hon. S. L. Tilley, C. B.,  
Minister of Customs, &c.

*To His Excellency the Governor General, and the Honorable the Queen's Privy Council of Canada.*

The Memorial of the undersigned, a Committee appointed at a public meeting of the Citizens of Victoria, B. C., held on 29th January, 1868:

RESPECTFULLY SHEWETH:

1. That on the 13th of March last a Resolution was unanimously passed by the Legislative Council of this Colony, asking His Excellency Governor Seymour to take measures, without delay, to secure the admission of British Columbia into the Canadian Confederacy, on fair and equitable terms.

2. That a public meeting was held, at the same time, in Victoria, expressing concurrence with the action of the Legislative Council.

3. That the people of Cariboo, the next most populous and influential portion of the Colony, held, in December, a highly enthusiastic meeting, and unanimously passed Resolutions in favor of immediately joining the Dominion of Canada.

4. That the *Daily British Colonist*, the leading newspaper of the colony, has and does strenuously support Confederation. The *Cariboo Sentinel*, a paper of local influence, pursues a similar course. The *British Columbian*, a semi-weekly, published at New Westminster, regarded as somewhat subject to Government influence, has expressed itself in favor of Confederation, but not very earnestly. The *Columbian* has only a local influence. The *Examiner*, a semi-weekly, published also at Westminster, advocates Confederation. The *Morning News*, a weekly, published in Victoria, the only other paper in the colony, is in favor of annexation to the United States, failing that, supports Confederation. The only paper that circulates through the whole Colony is the *Colonist*, and represents the general feeling of the country on Confederation.

5. That public opinion throughout the colony, so far as we can learn, is overwhelmingly in favor of Confederation.

6. That there is a small party in favor of annexation to the United States, and if it were practicable or possible their number would be largely increased.

7. There is a small party, other than annexationists, who are opposed to Confederation.

8. Nearly all the office-holders of the colony are allied to the latter party.

9. The total number of those opposed to Confederation, on fair and equitable terms, is numerically small, but supported by the office-holders, they may exert a good deal of resistance to the popular will.

10. That from information in a telegram from Ottawa, dated January 22nd, 1868, we learn that Governor Seymour has not made any propositions to the Dominion Government respecting our admission, as was expected.

11. That the Legislative Council, the only Legislative body in the Colony, is made up of a majority consisting of Heads of Departments, Gold Commissioners, Magistrates and others, subject to Government influence, and cannot be relied upon to urge on Confederation, as it ought to be at the present juncture.

12. That the only popular institutions in the Colony are the City Councils of Victoria and New Westminster.

13. That, therefore, the people of this Colony, are really without the means of expressing and carrying out their wishes through the Legislature.

14. We, therefore, representing, as we do, the views of the people of this the most populous and influential section of the Colony, and acting in unison with the general and expressed wishes of the people throughout the Colony, would respectfully ask the Government of the Dominion to take immediate steps to bring this Colony into the Dominion, by telegraphing or communicating with Her Majesty's Government, to issue instructions, with as little delay as possible, to Governor Seymour, or otherwise to conclude negotiations as to the terms of our admission.

15. We feel that without the help and support of the Government of the Dominion, the time will be remote when this Colony will be admitted into the Dominion, but with the aid which we solicit, we believe that there is no obstacle to prevent our admission, by the first of July next.

16. We would further represent, for the information of the Government of the Dominion, that the terms of admission which would be acceptable to the people of this Colony, would be:—

(1.) Canada to become liable for the entire Public Debt of this Colony, estimated at \$1,500,000.

(2.) Canada to provide for Federal Officers and Services.

(3.) To grant a sufficient fixed subsidy, and *per capita* subsidy, to insure the support of the local Government, in addition to the powers of taxation reserved to Provincial Governments in "British North America Act."

(4.) Representation in the Senate and Commons of Canada.

(5.) The Construction of a Trans Continental Wagon Road, from Lake Superior to the head of navigation on the Lower Fraser, within two years after the time of admission. This is regarded as an essential condition.

(6.) Popular representative institutions, insuring responsible control over the Government.

17. Hereafter we hope to communicate further information. In the meantime, we confidently trust, the Government of the Dominion will cheerfully aid the people of this Colony in furthering their wishes for immediate admission into the Confederation.

18. Enclosed we send you a Copy of Requisition to the Mayor, to call a public meeting and also Resolutions passed at said meeting, held on the 29th January, 1868.

We have the honor to be,

Most respectfully and obediently yours,

(Signed,) JAMES TRIMBLE,

Mayor of the City of Victoria and Chairman of Committee.

(Signed,) A. DeCosmos,  
Member of Legislative Council.

(Signed,) J. H. POWELL, M. D.

Member for the City of Victoria, in the late Legislative Assembly of Vancouver Island

(Signed,) R. WALLACE,  
Merchant.

(Signed,) H. E. SEELYE,

One of the Editors of the "British Colonist," and Secretary to the Committee.  
Victoria, B. C., February 1st, 1868.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 23rd March, 1868; For Copies of all Correspondence which may have passed between the Imperial Government and that of the Dominion of Canada, respecting the liberation by Royal Pardon of the Rev. Mr. McMahon and other Fenian Prisoners confined in the Penitentiary and other Prisons.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 26th March, 1868.

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



# RETURN

To an Address of the HOUSE OF COMMONS, dated 23rd March, 1868; for Copies of all Correspondence between the Government of Canada, or any of its Members, and the Northern Railway Company, the Great Western Railway Company, and any other Railway Company in the Dominion, with respect to the indebtedness of such Companies to the Government.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 27th March, 1868.

OTTAWA, 27th March, 1868.

SIR,—In compliance with the Address of the House of Commons, of 23rd inst., I have the honor to enclose herewith copies of all Correspondence between the Government of Canada, or any of its members, and the Northern Railway, the Great Western Railway, and other Railway Companies in the Dominion, with respect to the indebtedness of such Companies to the Government.

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

WILLIAM DICKINSON,

*D. I. G.*

Et. Parent, Esq.,

Under Secretary of State, Ottawa.

## NORTHERN RAILWAY.

(Copy.)

FINANCE DEPARTMENT,

Ottawa, 6th January, 1868.

SIR,—I have the honor to call your attention to the amount due by the Northern Railway Company to the Government of the Dominion.

I am desirous of having the accounts adjusted at the earliest possible day, with a view to a liquidation by the Company of the balance which may be in arrear.

I shall be glad to hear from you what arrangements can be made to effect that object.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) JOHN ROSE,

*Minister of Finance.*

F. Cumberland, Esq.,

General Manager, Northern Railway Co., Toronto.

(Copy.)

NORTHERN RAILWAY OF CANADA,

MANAGING DIRECTOR'S OFFICE,

Toronto, 8th January, 1868.

SIR,—I have the honor to acknowledge the receipt of your letter of the 6th instant,

expressing your wish that the account of this Company with the Government should be adjusted with a view to the liquidation of the balance which may be in arrears, and desiring to learn what arrangements can be made to effect that object.

In reply, I desire to explain that until recently this Company observed punctuality in its payments to the Government, on account of the accruing interest on the Second Preference Bonds of £50,000 sterling held by it.

The Company, however, has no working capital; and during the last three years the growth of traffic has overpowered its equipment of rolling stock, and we had either to obstruct and embarrass the trade of the district, to great public injury, or to seek such credit as would enable us to provide for its wants from current means.

With this view our private bondholders consented to a temporary suspension of dividend, and assisted us by a loan, in London, of £5,000 sterling.

These works have now been completed, and I see no immediate demands which will impair our ability to resume payments, which it is always our earnest wish and ambition to make with exact punctuality.

The half-yearly dividend of three per cent., payable to the Government, amounts to \$7,300.00. We are at this date five dividends in arrears, with a small balance on the sixth, amounting in the whole, to 31st December, 1857, to \$38,176.70.

I propose, with your permission and concurrence, to pay this off as follows:—On or before the 1st March ensuing, \$8,976.70; and thereafter on each dividend day, namely, 1st August and 1st February, to pay the current dividend of \$7,300, and an arrears dividend of \$7,300, until the account is balanced.

If I find it within our ability we shall be anxious to balance our account with the Government with even greater rapidity, but I am unwilling to promise to do more than I feel sure we can effect.

I trust my propositions will meet your approval, and shall be glad to be so advised, that I may make my arrangements accordingly.

I have the honor to be, Sir,

Your most obedient servant,

(Signed,) FRED. CUMBERLAND.

The Hon. John Rose,  
Minister of Finance.

(Copy.)

FINANCE DEPARTMENT,

Ottawa, 11th January, 1868.

SIR,—I have the honor to acknowledge the receipt of your letter of the 8th inst., giving certain explanations regarding the account of the Northern Railway Company. Before submitting your proposition to Council, I should be glad to receive from you copies of your last three annual reports, and I should also like to be informed whether the £5,000 sterling, loaned by private bondholders, still remains due to them, likewise whether any dividends have been paid to them since the Company ceased to pay interest to the Government. Your early reply will oblige

Your obedient servant,

(Signed,) JOHN ROSE,

Minister of Finance.

F. Cumberland, Esq.,

President, Northern Railway Company, Toronto.

(Copy.)

NORTHERN RAILWAY OF CANADA,

MANAGING DIRECTOR'S OFFICE,

Toronto, 20th January, 1868.

SIR,—I much regret that continued indisposition has prevented an earlier reply to your letter of the 11th instant, having further reference to the account of this Company with the Government.

In accordance with your request, I mail to you copies of our Reports for 1864 and 1866, expressing my regret that we have not a single loose copy left of that for 1865, the leading figures of which, however, you will find (for purposes of comparison) in the margins of the several statements for 1866.

In reply to your enquiry whether the £5,000 sterling (\$24,333.33), loaned in London by the Bondholders for extended equipments, is still owing. I have the honor to state that that loan now stands at £5,000 sterling, and (the immediate necessity of an over-powering traffic having now been met) I am under engagement to extinguish that loan by the end of 1869, two years having been allowed for that purpose. In addition to the said loan of £5,000 sterling, there is (exclusive of the current Interest Dividend) an arrears dividend of 3 per cent. (say \$41,449.40) now due the private Bondholders, so that in truth, whilst the Dividends over due to the Government represent, as per my last letter, \$38,176.70, the loan and arrears to private Bondholders amount to \$65,782.73, showing that the Government, relatively with the private Bondholders, is really in a position of preference.

I venture to repeat too, that we have no working capital, and accordingly that it is very difficult, nay, it has been impossible to work the line, extend its equipment, and at the same time maintain exact punctuality in payments of Interest Dividends.

My proposition for payment off the Government is exactly consistent with our intentions as to paying off the London loan, the two liabilities will be extinguished coincidentally; and as I am sure you will recognize this equality, and as our arrears have arisen solely out of a desire to meet the commercial demands of the district. I rely upon your kind approval of my proposals. Had the English Bondholders been selfishly disposed, they would have refrained from assisting us to extend our facilities, and I am sure the Government would not desire to offer embarrassment where private holders have evinced so much spirit and liberality.

I have the honor to be, Sir,  
Your most obedient servant,  
(Signed,) FRED. CUMBERLAND.

Hon. John Rose,  
Minister of Finance, Ottawa.

(Copy.)

FINANCE DEPARTMENT,  
Ottawa, 27th January, 1868.

The undersigned has the honor to submit herewith certain Correspondence with the Northern Railway Company of Canada, on the subject of the arrears due by that Company to the Government, and which amounts to \$38,276.70.

The Managing Director assigns various reasons why the interest due to the Government was allowed to remain unpaid. The Minister of Finance, while he considers that the circumstances may have afforded sufficient reasons why the Government should not have pressed its demand, while creditors standing in the same order of priority were willing to defer payment on their claims, is yet of opinion that on the resumption of payment by the Company, the Government should have received their proportionate share of dividend, which does not appear to have been the case. As the account now stands, however, he considers that the proposal of the Company for the liquidation of the arrears should be accepted; but on the distinct understanding that hereafter the holders of the Bond, ranking concurrently with the Government, shall not be paid their interest while that of the Government is left in arrear.

The Minister of Finance accordingly recommends, that the Company be informed that the Government will receive from them \$8,976.70, on or before the 1st March next, on account of the arrears; and thereafter, on the 1st August and 1st February of each year, the further sum of \$7,300, on account of the arrears, until the whole amount is liquidated, in addition to the current half-yearly dividend, which will be payable on these days and which the Government will expect to be punctually met.

(Signed,) JOHN ROSE,  
Minister of Finance.

(Copy.)

FINANCE DEPARTMENT,  
29th January, 1868.

SIR,—I have now the honor to inform you that the Government have had under consideration the subject of arrears due to it by the Northern Railway Company, and

after full consideration, have agreed to accept the offer made by you, in your letter of the 8th inst.

I beg to enclose you a copy of the Order in Council, and to direct your attention to the conditions set forth in it, with which the Government will expect a compliance.

Your obedient servant,

(Signed,)

JOHN ROSE.

*M. F.*

F. Cumberland, Esq.,  
Managing Director, Northern Railway Co., 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 28th January, 1868.*

On a Memorandum, dated the 25th of January, 1868, from the Honorable the Minister of Finance, submitting certain Correspondence with the Northern Railway Company of Canada, on the subject of the arrears due by that Company to the Government, which amount to \$38,276.70, the Minister of Finance states that the Managing Director assigns various reasons why the interest due to the Government was allowed to remain unpaid. That while he considers that the circumstances may have afforded sufficient reasons why the Government should not have pressed its demand, while creditors standing in the same order of priority were willing to defer payment on their claims, he, the Minister of Finance, is yet of opinion that on the resumption of payment by the Company, the Government should have received their proportionate share of dividend, which does not appear to have been the case.

That as the account now stands, however, he considers that the proposal of the Company for the liquidation of the arrears should be accepted, but on the distinct understanding that hereafter the holders of bonds, ranking concurrently with the Government, shall not be paid their interest while that of the Government is left in arrear. The Minister of Finance accordingly recommends that the Company be informed that the Government will receive from them \$8,976.70, on or before the 1st March next, on account of the arrears, and thereafter, on the 1st August and 1st February of each year, the further sum of \$7,300.00 on account of the arrears, until the whole amount is liquidated, in addition to the current half-yearly dividend, which will be payable on these days, and which the Government will expect to be punctually met.

The Committee advise that the recommendation of the Minister of Finance be approved and adopted.

Certified.

(Signed,)

W. H. LEE.

*C. P. C.*

(Copy.)

NORTHERN RAILWAY OF CANADA,  
MANAGING DIRECTOR'S OFFICE,  
Toronto, February 1st. 1868.

SIR,—I have the honor to acknowledge the receipt of your letter of the 29th ult., covering a Copy of Order of Council of 28th January, relating to the arrears of Interest due by this Company to the Government, and to express my acknowledgements for the readiness with which you have accepted my proposals, and which I shall exert every effort to fulfil with exact punctuality.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

F. CUMBERLAND.

To Honorable John Rose,  
&c., &c., &c.

The Northern Railway Company in account with the Provincial Government of Canada.

	DR.	\$ cts.	CR.	\$ cts.
1861.	To 1 year's Interest, due this day on £50,000 Sterling.		By Cash received from that Company	
August 1.....	Debiture received from that Company.....	14,600 00	1863.	475 00
1862.			Jan'y 30.....	
August 1.....	do do	14,600 00	May 27.....	do do
1863.			Aug. 18.....	do do
August 1.....	do do	14,600 00	Sept. 24.....	do do
1864.			Nov. 7.....	do do
August 1.....	do do	14,600 00	Dec. 18.....	do do
1865.			1864.	
August 1.....	do do	14,600 00	Feb. 24.....	do do
1866.			May 25.....	do do
August 1.....	do do	14,600 00	May 27.....	do do
1866.			Sept. 1.....	do do
August 1.....	do do	14,600 00	1865.	
1867.			June 1.....	do do
Feb'y 1.....	do do	7,300 00	Aug. 30.....	do do
			Sept. 1.....	do do
			Sept. 8.....	do do
			1866.	
			Feb'y 19.....	do do
			Feb'y 26.....	do do
			March 5.....	do do
			March 20.....	do do
			Nov. 27.....	do do
			Balance .....	30,976 70
		\$94,900 00		\$94,900 00
1867.	To Balance.....	\$ 30,976 70		
Feb'y 1.....	do			
August 1.....	do			
	To 1 year's Interest, due this day on £50,000 Sterling.			
	Debiture received from that Company .....	7,300 00		
		\$58,276 70		

FINANCE DEPARTMENT,  
Ottawa, 3rd December, 1867.

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 GREAT WESTERN RAILWAY.
 

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(Copy.)

FINANCE DEPARTMENT,

Ottawa, 17th December, 1867.

SIR,—I have the honor to call your attention to the amount due by the Great Western Railway Company, to the Government of the Dominion.

I am desirous of having the accounts adjusted at the earliest possible day, with a view to a liquidation by the Company of the balance which may be in arrear.

I shall be glad to learn from you what arrangement can be made to effect that object, and when the Government may expect a considerable payment on account.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

JOHN ROSE,

Minister of Finance.

T. Swinyard, Esq.

Manager, Great Western Railway, Hamilton.

(Copy.)

GREAT WESTERN RAILWAY,

Hamilton, C. W., 19th Dec., 1867.

SIR,—I have the honor to acknowledge the receipt this day of your letter dated the 17th instant, stating that you are “desirous of having the accounts adjusted at the earliest possible day, with a view to a liquidation by the Company of the balance which may be in arrear,” and stating that you will be glad to learn, “what arrangements can be made to effect the object.”

In present reply I beg to inform you that “I will submit your communication to the next meeting of the Directors of the Company.”

I am, Sir,

Your obedient servant,

(Signed,) THOS. SWINYARD.

To Hon. John Rose,

Finance Minister, Ottawa.

(Copy.)

FINANCE DEPARTMENT,

Ottawa, 6th January, 1868.

SIR,—I am directed by the Hon. the Minister of Finance, to address you on the subject of the amount due by the Great Western Railway Company to the Government.

Since your letter of the 19th ult., informing the Hon. the Minister of Finance that “his communication of the 17th of that month would be submitted to your Board of Directors,” no further advices have been received from you.

I beg therefore to inform you that it is necessary that practical steps should be taken towards an early reduction of the amount now at the debit of the Company, and I await your further communication to that end.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) WM. DICKINSON,

Député Inspector Général.

Thomas Swinyard, Esq.,

Manager, Great Western Railway, Hamilton.

(Copy.)

GREAT WESTERN RAILWAY,

Hamilton, C. W., 10th January, 1868.

SIR,—I received yesterday a communication from you dated the 6th instant, reminding me of the promise made in my letter of 19th ult., that I would submit your favor of the 17th, to the meeting of my Directors.

That meeting I now beg to inform you took place *to-day*, and the Chairman, the Hon. W. McMaster, and myself, were requested to wait upon you.

Mr. McMaster left here to day for New York, but will return in a few days.

We can both be at Ottawa about the end of next week or in the early part of the week following.

Be good enough to inform me whether this will be convenient to you.

I am, Sir.

Your obedient servant,

(Signed,) THOS. SWINYARD.

Hon. John Rose,  
Finance Minister, Ottawa.

(Copy.)

FINANCE DEPARTMENT,

Ottawa, 13th January, 1868.

SIR,—I have the honor to acknowledge the receipt of your letter of the 10th instant, and beg to inform you, in reply, that I shall be happy to see you and the Hon. Mr. McMaster, at the earliest day at which you can come here.

I trust that you will then be prepared to submit a proposition for the liquidation of the arrears due by the Great Western Railway Company to the Government.

Your obedient servant,

(Signed,)

JOHN ROSE,  
*Minister of Finance.*

Thos. Swinyard, Esq.,  
Manager, Great Western Railway Co., Hamilton.

(Copy.)

GREAT WESTERN RAILWAY,

Hamilton, C. W., 16th January, 1868.

SIR,—I am to-day favored with your acknowledgment of my letter to you of the 10th instant, and I have now the pleasure to advise you, that I have received a Telegram from Mr. McMaster, at New York, informing me that he will be prepared to accompany me to Ottawa on Tuesday evening next.

In reply to that part of your communication, expressing a hope that I shall be prepared to submit a proposition for the liquidation of the arrears due by the Great Western Railway Co., I beg to state that the Directors and Proprietors of this Company, look with the greatest confidence to the Government and people of this Country extending to their Railway the same consideration at least which has been extended to the Grand Trunk and Northern Companies, to whom similar loans were granted to secure the construction of the Lines.

Your obedient servant,

(Signed,)

THOS. SWINYARD.

Hon. John Rose,  
Finance Minister, Ottawa.

(Copy.)

GREAT WESTERN RAILWAY,

Hamilton, Ont., 30th January, 1868.

SIR,—On the 19th ult. I had the honor to receive a letter from you, dated the 17th idem, calling my attention to the subject of the Loan made by the Government of Canada to the Great Western Company, and stating your desire that the account should be adjusted, and asking what arrangements the Great Western Company would be prepared to make to effect that object.

I immediately acknowledged the receipt of this communication, promising to submit it to the next meeting of the Directors of the Company.

You acknowledged the receipt of this letter on the 6th inst, and reminded me you had not further heard from me.

On the 10th inst. I advised you that the Meeting of the Directors of my Executive Committee had been held on that day, and that the Chairman (Hon. W. McMaster) and I

had been directed to wait upon you, and at the same time intimated when we could be at Ottawa, enquiring if the time named would be convenient to you.

In reply to this communication you stated that you would be prepared to see us any day upon which we could be at Ottawa, and you expressed a hope that, upon my arrival, I should be prepared to submit a proposition for the liquidation of the arrears due by the Great Western Company to the Government.

I answered this communication by informing you that Mr. McMaster and I would leave for Ottawa on Tuesday, the 21st inst.; stating, in reply to the hope you had expressed, that the Directors and Proprietors of the Great Western Company looked with the greatest confidence to the Government extending to their Company at least the same liberal consideration it had shown to others.

Upon our arrival at Ottawa, on Wednesday, 22nd inst., Mr. McMaster and I waited upon you, to know what hour on the following day it would be most convenient to you to afford us an interview. You expressed a desire that your colleagues, the Hon. Messieurs Tilley and Kenney, should be present at the proposed interview, and you fixed 10 o'clock the following morning for the purpose.

At this meeting I had the honor of orally explaining to you the position of the Great Western Company, and of laying before you the reasons why my Company claimed to be treated in the same fair and liberal spirit which had actuated the Government in the concessions it had made to the Grand Trunk Company.

At your request, I now beg to submit, in writing, the claims which, on behalf of this Company, I then had the privilege of briefly laying before you and the gentlemen present:—

The policy of granting Government assistance towards the construction of leading lines in Canada, was inaugurated in 1859, by the Act 12 Vic., cap. 29, intituled, Act 30 May 1849, "An Act to provide for affording the guarantee of the Province to the 12 Vic., cap. 29. Bonds of Railway Companies, &c." The object of this Act is more particularly described, page 16 of this communication.

By a subsequent Act, 14 and 15 Vic., cap. 73, the guarantee was restricted to such Act 30 Aug., 1851, Roads as forming part of the "Main Trunk Line," the Great Western 14 & 15 Vic., cap. 73, sec. 16. Line being particularly specified as forming part of such "Main Trunk Line."

By another Act, 14 and 15 Vic., cap. 74, passed 30th August, 1851, intituled, Act 30th Aug., 1851. "An Act to extend the powers of an Act passed in the present Session, 14 & 15 Vic., cap. 74. intituled, "An Act to make provision for the construction of a Main Trunk Line, of Railway throughout the length of the Province," "the Great Western Railway was again declared to be a part of the "Main Trunk Line" of the Province, thus placing it before the public as a line assured of the traffic of the western section of Canada, under the guarantee of the Government.

The Loan afterwards made by the Government to the Great Western was accepted by the Company under peculiar circumstances. Forming, as its Railway did, an important link in the line of communication between the Western States of America and the Atlantic sea-board, offers of assistance were made to it by the American Railway Companies East and West of it, on the condition that the Road should be built of a gauge uniform with their own, viz., 4 feet 8½ inches. Indeed, to secure this, those Companies actually subscribed to a large extent to the Stock of the Great Western Company; but, owing to the Canadian Government insisting that the gauge of the Great Western should be the specific gauge of the Province, viz., 5 feet 6 inches, the American lines ultimately withdrew their investments, and thus, by the action of the Government, the beneficial influence which a direct pecuniary interest by those Companies in the Great Western would have secured to it was lost.

The result of this determination, and subsequent legislation adverse to the interests of the Great Western, has been to impose upon it, after many years of enduring struggle, the necessity of laying down, at a very large expenditure, a third rail over the entire length of its Main Line between Suspension Bridge and Windsor, in order to secure the uniform narrow gauge originally contemplated to accommodate the through American Traffic (a necessity of the position of the Company), the Company still retaining and working the broader and more expensive gauge required by the Canadian Parliament, which had deprived the Great Western of the advantages it would have derived from being a part of the



“Main Trunk Line;” a rival line running within 20 to 25 miles of nearly its entire length having been chartered in connection with the Grand Trunk Line.

Act 1852, 16 Vic. In 1852, by the Act 16 Vic., cap. 37, the Grand Trunk Railway Company, cap. 37. pany was incorporated with authority to build a road from Toronto to Montreal, and a guarantee equal to £3,000 sterling per mile was extended to the line, under the same conditions as to its being a first lien upon the Road, as to payment of interest, &c., as that authorized by the Act of 1849, and afterwards granted to the Great Western Company under the amended Act of 1851.

Act 1852. During the same Session (1852) an Act was passed amending the charter of the Toronto and Guelph Railway, incorporated by Act 14 and 15 Vic., cap. 143, in opposition to the report of the Standing Committee on Railways; (see page 18 of this communication,) authorising the extension of that Road to Port Sarnia, notwithstanding that the Great Western Railway Company had already, under 8 Vic., cap. 86, the right to construct a line to that point, then called “Point Edward at the foot of Lake Huron.”

This Line afterwards became part of the Grand Trunk, and the condition under which the Great Western made its gauge 5 feet 6 inches, (namely that it should form part of the “Main Trunk Line” of the Province,) was thus entirely set aside.

By the Act 18 Vic., cap. 33, the agreement entered into between the Grand Trunk Railway Company and a number of other Companies therein recited (among them the Toronto and Guelph Railway Company) was declared valid, and the entire line was constituted the Grand Trunk Railway, and authorized to be cited as such.

Thus, the Toronto and Guelph Railway, chartered against the protests of the Great Western, and afterwards extended to the same point west as that authorized to be touched by the Great Western, was, by the Act of Parliament, virtually made the Main Trunk Line from Toronto west, instead of the Great Western Line, as originally stipulated.

Moreover, the assistance originally intended to be granted to the Grand Trunk Company by the Government was not to exceed £3,000 sterling per mile, on their Railway east of Toronto; but, up to the present time, the loans which have been granted to that Company have amounted to no less a sum than £3,111,500 stg., which is at the rate of £3,367 per mile for every single mile of its line between Rivière du Loup and Island Pond in the East, and Sarnia in the West, including branches.

Parliament, as far back as 1857, dealt with these loans to the Grand Trunk Railway Company in the same liberal spirit which seems to have actuated it in passing the Act of Act 30th May, 1849, 30th May, 1849, 12 Vic., cap. 29, affording the guarantee of the Province 12 Vic., cap. 29. to the Bonds of Railway Companies; for, by Act of 20th May, 1857, 20 Act 20th May, 1857, Victoria, Cap. 11, it postponed the Provincial Loan to that Company in 20 Vic., cap. 11. the following manner:—

“The Province foregoes all interest on its claim against the Company until the earnings and profits of the Company, including those of the St. Lawrence and Atlantic Railway Company, shall be sufficient to defray the following charges:—

“1st. All expenses of managing, working and maintaining the works and plant of the Company;

“2nd. The rent of the St. Lawrence and Atlantic Railway, and all interest on the Bonds of the Company, exclusive of those held by the Province;

“3rd. A dividend of six per cent. on the paid-up share capital of the Company, in each year in which the surplus earnings shall admit of the same.”

By Act of 9th June, 1862 (25 Vic., c. 50), intituled, “An Act for the re-organization of the Grand Trunk Company of Canada, and for other purposes,” and commonly known as the Grand Trunk Arrangements Act of 1862, Parliament made other concessions to the Grand Trunk Company, and authorized it to issue Equipment Bonds for £500,000 sterling, again postponing its loans.

By Act of the present Session, 1867-8, Parliament further postponed the debt of the Grand Trunk to the Province, by authorizing that Company to issue second Equipment Bonds to the additional amount of £500,000, to take priority of all other charges except the Equipment Bonds authorized by the Act of 1862.

Parliament, in keeping with the spirit which animated it at the outset, to encourage English capitalists to subscribe towards the construction of Railways in Canada, on the ground that such Railways “had become, not merely advantageous, but essential to the

"advancement and prosperity of the country," has relieved the Grand Trunk Company from the payment of interest on its debt of £3,111,500 sterling until the Bond and Shareholders of the Company have received six per cent. interest on their investments.

These facts show very clearly that the Great Western Railway would to-day have just cause of complaint if the Government were to treat it in a less considerate spirit than it has done the Grand Trunk Company, especially in view of the fact that (notwithstanding the average dividend paid to the shareholders for 10 years, from 1857 to 1867, amounted to only  $2\frac{1}{4}$  per cent. per annum), the Company has paid back in principal borrowed for that purpose in England, and interest to the Government £363 273, and that the Government retain in their hands (at 31st January, 1868), a balance of £100,202 for Mail and Militia Service performed by the Company, which actually makes a cash payment to the Government of £463,475 sterling.

It must be borne in mind, too, that the more encouraging receipts earned by the Company during the past year, will still not enable it to pay the dividend which the Government has provided that the Grand Trunk Company may pay its shareholders, before the Government receives any interest upon the debt due to it by that Company, and that such increased receipts have only been earned by a large additional outlay of new capital upon the Third Rail, rendered necessary by the condition imposed by the Canadian Government, that the gauge of the Line should be 5 feet 6 inches, agreed to by the Company, on the understanding that the Great Western was to form part of the Main Trunk Line west of Toronto.

A great Provincial enterprise has been accomplished and the Province has thereby derived great collateral advantages, and the inhabitants of the Province are daily enjoying the benefits of the construction of this line of Railway, while the British shareholders, who contributed so large a proportion of the capital, reap no other advantage from their investments than the pecuniary one of the bare dividends earned by the Road.

The indirect advantages which have accrued to the Government are so abundant, and the direct benefit to the shareholders has been so limited, that they have a right to the most liberal consideration of the Canadian Government, particularly when it is remembered that by granting a Charter to a competing line of Railway west of Toronto, afterwards amalgamated under Act of Parliament with the Grand Trunk Company, the latter Company was made its most powerful rival, depriving it of the sources of revenue it expected to obtain from the traffic in Western Canada, and to which it looked to secure the means of meeting its obligations to the Government.

The Great Western Railway has a right to be placed upon at least equally favorable grounds with the Grand Trunk, because, although the pioneer in Western Railway enterprise, it has suffered so severely from adverse legislation, which, looking to the special guarantees of its charter, could not possibly have been looked for, having by Act of Parliament been made part of the Main Trunk Line, but of which privilege after it was built by English capital, it was subsequently, by Act of Parliament, dispossessed. It had a right to expect, when this capital of \$22,000,000 was invested in it upon the faith of Acts of the Canadian Legislature, that it would be left in possession of the entire Western Peninsula; but, as has been previously pointed out, these just expectations have not been realized.

At a later period a still further injury was done to the interests of the Great Western Railway Company by the passing of the Amalgamation Act, between the Grand Trunk and Buffalo and Lake Huron Companies, which practically handed over to the Grand Trunk Railway the entire control of the traffic arising in the district occupied by the Buffalo and Lake Huron Railway, a large proportion of which traffic formerly passed over the Great Western Railway.

In spite of all these adverse circumstances, the Great Western Company has been constant to, and has steadily fulfilled the object which the Legislature had in the first instance in extending aid to Canadian railways, viz., of affording a means of rapid and easy communication by railway between the chief centres of population and trade, to the advancement and prosperity of the country.

In view of the action of the Canadian Parliament in relation to the Grand Trunk Railway, less liberal consideration shown to the Great Western would be establishing an invidious distinction between the English proprietors of the two Companies. The principle laid down by the Act of 1857, releasing the lien of the Province upon the Grand Trunk

was this : That the Province has received and is receiving an ample return for its investments in these railroads in the increased value of the Province, the greater development of all its interests, and the actual addition thereby to the Provincial revenues, which has resulted from the construction of railways; and that in view of this it would, under the circumstances, be unfair and ungenerous to demand a direct money return out of the earnings of the Road, as long as the English shareholders, who have placed their money in the Railway, have not received any adequate return for their investments.

That argument, which was sufficiently powerful to induce the Government to postpone its lien in the case of the Grand Trunk, ought, I respectfully submit, to be considered equally strong in the case of the Great Western. It would be a serious injustice, and would be so felt to be in England, if the proprietors of the Great Western were treated with less consideration than those of the Grand Trunk Railway. It should not be forgotten that the credit of the Dominion is very seriously affected in the English money market by the condition of the investments in Canadian Railways, and any action by Government, resulting in injury to those investments, must tend to the injury also of the Provincial credit.

Were the Government at once, by a formal act, to place its claim against the Great Western in the same position as it has placed its claim against the Grand Trunk, such act, showing as it would that the intention and policy of the Government was to deal alike fairly and liberally with the two leading lines of the country, would give confidence to those who have invested their money in the Great Western Railway, would raise it in public estimation, and would re-act most favorably upon the country generally, by producing a feeling of greater security in all Canadian investments.

Those arguments have peculiar force at this time, when the Government is about constructing the Intercolonial Railway, mainly through the Maritime Provinces, under a guarantee from the Government.

When Mr McMaster and I had the pleasure of meeting you and the Honorable Messieurs Tilley and Kenny at Ottawa on the subject of this communication, the grounds which I have now gone over were briefly stated by me; at the same time I read to you a copy of a petition which was presented to Parliament by the Great Western Company in April, 1861, praying for "relief from the payment of interest upon the balance of the Loan from the Province, until the bond and shareholders of the Company have received six per cent. interest upon their investments," and a copy of which petition I now beg to annex below :—

*The Humble Petition of the Great Western Railway Company,*

**SHewETH :**

That by various Acts of the Legislature of Canada, passed between the years 1834 and 1850, powers were given to your Petitioners to construct a line of Railway from Niagara Falls to Windsor, opposite to Detroit, with branches to Sarnia and Galt.

That in the periods named efforts were made to construct the line by the aid of funds to be subscribed in Canada, but that it was found impossible to raise money in the Country, Canada not possessing sufficient private capital to construct such vast undertakings.

That subsequently attempts were made to raise the required capital in Great Britain, but that it was found impossible to induce capitalists there to invest their money in Canadian Railway undertakings, without some substantial aid and support from the Legislature and Government of the country.

That the Legislature viewed the introduction of Railways of such indispensable importance to the growth and progress of Canada, that on the 30th May, 1849, an Act was passed which contained the following preamble :—

"Whereas, at the present day the means of rapid and easy communication by Railway, between the chief centres of population and trade in any country and the more remote parts thereof, are become not only advantageous but essential to its advancement and prosperity; and whereas, experience has shown that, whatever be the case in long-settled, populous and wealthy countries, in those which are new and thinly peopled and in which capital is scarce, the assistance of Government is necessary, and may be safely afforded to the construction of lines of Railway of considerable extent, and that such assistance is best given

by extending to Companies engaged in constructing Railways of a certain length, under charter from and consequently with the approval of the Legislature, the benefit of the Guarantee of the Government, under proper conditions and restrictions, for loans raised by such Companies to enable them to complete their work."

That the Act proceeded to enact that the Province should guarantee, under certain specified conditions, the interest upon loans to be raised by Railway Companies for the construction of lines of not less than 75 miles in length, and providing that no more than half the cost of the lines should be raised by such guaranteed loans.

That the plan thus proposed in the Act just referred to was amended, so as to permit if thought desirable, of constructing the Railways by means of private companies, under the auspices and partial guarantee of the Provincial Government.

That accordingly, on the 30th August, 1851, a further Act was passed by the Legislature, providing for the construction of a Main Trunk Line of Railway throughout the entire length of the Province, and that a portion of the cost of the said line, if constructed by private companies, should be guaranteed by the Province.

That the line of Railway to be constructed was, by the Act of 30th August, 1851, defined as follows:—

"Be it therefore enacted, that the guarantee offered by the said Act, and all the provisions of the said Act relative to such guarantee, shall be and are hereby restricted and confined to those Railroads which may form part of the said Main Trunk Line (in case of any part thereof being constructed by private companies), and to the St. Lawrence and Atlantic Railway Company, which has already received the said guarantee and forms part of the Main Trunk Line, the Great Western Railroad which has been commenced and partly constructed on the faith of the guarantee, and forms part of the said Main Trunk Line."

That in pursuance of the provisions of the Act last referred to, a Royal Proclamation was issued by the Governor General of Canada, setting forth the course to be pursued in carrying out the provisions of the Act, and then, in the following words, defining the course of the Main Trunk Line of Railway throughout the Province, namely:

"Now know ye, that having taken the premises into our Royal consideration, and being desirous of advancing and promoting the interests of our said Province, we have directed and declared, and do hereby direct and declare, that the said Main Trunk Line of Railway shall be made upon a line extending from some point on the Eastern Frontier of our said Province, hereafter to be determined upon, to some point, hereafter to be fixed, in the Parish of St. Joseph de la Point Levy, opposite or nearly opposite to the City of Quebec, running thence in as direct a line as may be found convenient to the River St. Francis, in or near the Village of Richmond in the Township of Shipton, thence by the St. Lawrence and Atlantic Road to the City of Montreal, or some point on the south shore of the St. Lawrence, opposite or nearly opposite thereto, and further extending westward from the City of Montreal to the City of Kingston, or some other point on or near the River St. Lawrence on Lake Ontario, in the vicinity of Kingston aforesaid, thence to the City of Toronto, thence to the City of Hamilton, or some convenient point on the line of the Great Western Railway, and thence to the Detroit River, including any part of the said Great Western Railroad which may be constructed from the City of Hamilton to the Niagara River."

That the Railway of your Petitioners, which, in the language of the Act, "had been commenced on the faith of said guarantee," was thus enabled to again invite subscriptions in Great Britain for the funds required for its completion.

That the Act of the 30th August, 1851, and the subsequent Proclamation of the Governor General, were held to be a legal and moral obligation on the part of the Parliament of Canada, that the Great Western Railway was a part of the Main Trunk Railway in which the country held a large pecuniary interest, and that, therefore, it was secured from the effects of future injurious Legislation, and safe from destructive competition.

That on this assurance, during the year 1852, large sums of money were subscribed by your Petitioners, amounting to nearly £2,000,000. and laid out in Canada in constructing the works of the Railway.

That the intentions of the Legislature were carried out by the advance to this Company, as a part of the Main Trunk Line, from time to time, of sums of money amounting in the aggregate to £770,000 sterling.

That the position of this Company was farther confirmed by the Legislature, on the 10th of November, 1852, passing an Act promoted by the shareholders of this Company (the means for which they subscribed) for making a Railway from Hamilton to Toronto, the Act containing the following clause :—

“ And be it enacted that the gauge of the said Railway shall be five feet six inches, and the said Railway shall be held to form part of the Main Trunk Line of Railway, and the said Company shall accordingly, upon complying with all the provisions of the law in that behalf, be entitled to the benefit of the guarantee of the Province, to the extent and in the manner by law provided.”

That, also, on November 30th, 1852, an Act was passed, incorporating the Grand Trunk Railway from Toronto to Montreal, and to which line was given as a part of the Main Trunk Line the benefit of the guarantee of the Province, under the Acts of 30th May, 1849, and 30th August, 1851.

That by the several Acts thus referred to, the Main Trunk Line of Railway from Quebec to Windsor, at the western extremity of the Province, was fully chartered by the Legislature, and under the assurance that the line of your Petitioners formed the western end from Toronto of the said Main Trunk Line, your Petitioners went on in good faith constructing their Railway, which they have now in operation for 345 miles, and on which they have expended upwards of £4,250,000 sterling, raised in Great Britain.

That in the Session of the Legislature of 1852, an Act was introduced to extend a local Act, passed in the previous year, so as to form a line from Toronto through Guelph to Sarnia.

The Bill was referred to the Railway Committee of the House of Assembly, who, after taking evidence upon the matter, reported against the Bill, in the following terms :—

“ *Resolved*, That in the opinion of this Committee it would be unjust and impolitic to grant a competing line with the Great Western Railway, such as that asked by the Toronto and Guelph Company, in the proposed extension of their line from Guelph to Sarnia, there having been no evidence adduced to show the Committee that there would be more business than one line could do, that the Province having taken interest to the extent of one-half the cost of the road now chartered (being upwards of seven hundred and fifty thousand pounds) that interest, as well as the interest of the individual stockholders should be protected. This Committee are of opinion that the extension of the Toronto and Guelph Railway Company should not be granted.”

Upon this Report coming before the House, the Bill was passed contrary to the advice of the Special Committee, but on the distinct understanding and assurance that such line should not participate in the benefits of the Guarantee Act, nor be in any way identified with the Main Trunk Line, the western end of which from Toronto was to be the Great Western Railway.

That your Petitioners have regularly paid up to July, 1859, interest upon the advances of £770,000 made by the Province.

That in the year 1858, your Petitioners paid off one-fourth part of the principal sum of the advances made under the guarantee, making the present amount of the debt £573,000 instead of £770,000 as it was originally.

That notwithstanding the clauses in the Acts of Parliament here referred to, the Grand Trunk Railway has been extended westward from Toronto, parallel to the line of your Petitioners, to Sarnia, and by a connecting line in Michigan to a point directly opposite to the terminus of the Railway of your petitioners.

That by this means a competing line to the whole length of your Petitioners' Railway, averaging not more than twenty miles from it, has been established by the subsequent Legislation of the Parliament of Canada, and this competing line has been made in fact the western end of the Main Trunk Line, instead of, as enacted by the Legislature in the Acts already referred to, the Railway of your Petitioners.

That the traffic of the country is not sufficient properly to support one line of Railway, as is proved by the condition to which all the Railway Companies in Canada are now reduced, and that therefore the making of a rival line alongside that of your Petitioners, and turning upon it the traffic of the Main Trunk Line, which should be carried on the Railway of your Petitioners, has been productive of most disastrous results to the Great Western Railway.

That the consequence of this state of matters, carried out under the authority of and with the sanction of the same Legislature which gave to this Company the rights and privileges set out in the early part of this statement, is, that your Petitioners have been unable to repay any further amount of the loan made to them under the Guarantee Act, or, indeed, now to pay interest upon the unpaid balance.

That your Petitioners, who, under the assurance of the Acts of the Legislature here referred to, advanced the sum of £4,250,000, and expended it within the limits of the Province, have been compelled to go without any interest upon upwards of £3,000,000 of that sum for the last two years, owing to the competition forced upon them by the subsequent Acts of the Legislature of Canada.

That the money spent by your Petitioners in constructing their Railway was of immense importance in improving and developing the resources of Western Canada, and greatly added to the permanent progress and prosperity of the country.

That your Petitioners have now in daily operation 345 miles of Railway, which are of incalculable importance to the country through which they run.

That your Petitioners have paid very large sums to the Government of Canada for duties upon materials, rolling-stock, &c., used in the construction and equipment of their Railway, and continue to pay large sums of money every year for materials used in carrying on the traffic.

That your Petitioners give regular and constant employment to 2,000 persons, thus supporting a population of at least 8,000 souls.

That by various Acts passed by the Parliament of Canada, since 1855, large additional grants have been made to the Grand Trunk Railway, until, at length, the advances made to that Company, amounting in all to £3,111,500, have been released from the payment of all interest, until after the whole of the bond and shareholders of the Company are paid their full interest of six per cent. per annum.

That such advantages conferred upon a line, the present western end of which has, unfairly as your Petitioners contend, been established, contrary to the enactment on the Statute Book, as a competing line to that of your Petitioners, have tended to increase the injury which has been inflicted upon this Railway.

That by the public papers it is announced that the Grand Trunk Railway Company is again to come before the Parliament of Canada for further assistance, which, if granted without affording any corresponding aid to the Great Western Railway Company, will inflict still greater injury to your Petitioners, and enhance the evils of competition from which they have already so greatly suffered.

That of the £4,250,000 of money advanced by your Petitioners, upwards of £3,000,000 is represented by shares on which no interest has (as has been stated) been paid for two years.

That that sum is held by 2,500 persons scattered throughout all classes in Great Britain, and that the non-payment of any interest upon so large an amount of money so widely held, besides inflicting great individual hardship, is most destructive to the credit of all enterprises and undertakings in Canada.

That large sums have been advanced to the Northern Railway of Canada, which is not a part of the Main Trunk Line, and which does not accommodate such large and important districts as those traversed by the Great Western Railway; and that no interest for several years has been paid upon such advances, whilst there has been special legislation, postponing such interest in favor of the holders of the other securities of the Northern Railway.

That your Petitioners have always carried the Mails since the opening of their Railway, and have provided, at very large expense, special carriages properly fitted up for the conveyance of the Mails and of the Post Office Clerks.

That for several years your Petitioners have not received any payment whatever for such services, performed at very considerable expense to your Petitioners, and they are informed that a very inadequate rate, viz., 70 dollars per mile per annum, has been suggested as the standard of payment for the conveyance of Mails.

That such a sum is very far below the fair value of the services rendered, and also much below the average rate paid to Railway Companies in England or the United States.

That, in the latter country, upon Railways running in near proximity to that of your

Petitioners' Railway, the rate paid varies from 150 dollars to 250 dollars per mile per annum; and your Petitioners respectfully ask that they be paid at a rate in accordance with these figures.

For all the reasons set forth in this Memorial, and from an earnest desire that your Petitioners may be enabled to feel that the terms upon which they subscribed their money, which has proved of such great advantage to Canada and her material interests, but which has been so unproductive to your Petitioners, have not been wilfully violated by Parliament, and that, when the facts are fully made known, the most ample reparation will be immediately made. Your Petitioners now humbly pray Your Honorable House to take the premises into their careful consideration, and to direct that a proper allowance be made for the conveyance of Mails on the Great Western and other Railways of Canada; and that your Petitioners may at least be placed in as good a position as the Grand Trunk Railway Company, and relieved from the payment of interest upon the balance of the loan from the Province until the bond and shareholders of the Company have received six per cent. interest upon their investment.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

I have now to appeal to you, and, through you to His Excellency the Governor General in Council, to take all these circumstances into your favorable consideration, in the confident hope that the Government will extend to the Great Western Company the consideration which it now asks, and which as is herein shewn it has such a just right to expect.

I have the honor to be, Sir,

Your very obedient servant,  
(Signed,) THOMAS SWINYARD.

Hon. John Rose,  
Finance Minister, Ottawa.

(Copy.)

FINANCE DEPARTMENT,  
Ottawa, February 4, 1868.

SIR,—I am directed by the Minister of Finance to acknowledge the receipt of your communication of the 30th ult, and to inform you that it will receive his early consideration. I am at the same time to request that you will be good enough to state what average dividend the Company has paid on its share capital since its incorporation, and to furnish him with a return of each year's dividend. I am further to beg that you will be kind enough to inform him how much of the capital stock is at present owned by the original shareholders of the Company, and that you will be pleased to furnish him with a list of the existing and of the original shareholders.

Your obedient servant,  
(Signed,) W. A. BLACKMORE,  
*Secretary.*

Thomas Swinyard, Esq.,  
General Manager, Great Western Railway, Hamilton, Ont.

(Copy.)

OFFICE OF THE SECRETARY OF STATE,  
Ottawa, 14th March, 1868.

SIR,—I am commanded by His Excellency the Governor General to inform you that your communication of the 30th January last, addressed to the Honorable the Minister of Finance, has been laid before His Excellency in Council, and the arguments therein urged by you, on behalf of the Great Western Railway Company, carefully considered.

I am now to inform you that having fully weighed all the circumstances enumerated in your letter, the Government cannot acquiesce in the conclusion at which you arrive, and I am therefore to request that, in accordance with the foregoing decision, you will have the goodness to place yourself in communication with the Honorable the Minister of

Finance, at the earliest possible date, for the purpose of making arrangements for the liquidation of the debt due by the Company.

I have the honor to be, Sir,  
Your obedient servant,  
(Signed,) HECTOR L. LANGEVIN.

Thos. Swinyard, Esq.,  
Manager, Great Western Railway Company, Hamilton, Ont

*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 March, 1868.*

The Committee of the Privy Council have given their attentive consideration to the annexed Memorandum, dated 24th February, 1868, from the Honorable the Minister of Finance, on the subject of the debt due to the Government by the Great Western Railway Company, and they respectfully report their concurrence in the views and recommendations submitted by the Minister in his said annexed Memorandum, and submit the same for your Excellency's approval.

Certified.  
(Signed,) WM. H. LEE.  
Clerk, P. C.

To the Honorable  
The Secretary of State for Canada, &c., &c., &c.

(Confidential.) GREAT WESTERN RAILWAY.

The Minister of Finance has the honor to submit, for the consideration of His Excellency the Governor in Council, certain Correspondence which has taken place with the Great Western Railway Company, on the subject of the debt due by that Company to the Government.

The grounds which the Company urge for the concession they ask, affect so seriously the good faith of the country and the respect of the Legislature for vested rights, that the undersigned has deemed it his duty carefully to examine the Legislation by which as is contended the interests of the Company were disregarded, and also to investigate minutely the whole of the other circumstances adverted to in the letter of the Managing Director, with the view of enabling His Excellency in Council to determine on the course which it would be fitting to adopt, with a proper regard to the public interest, and giving at the same time the largest possible measure of consideration which the Government would be warranted in extending to the Company, as it is the personal wish of the undersigned, and he feels assured that of His Excellency in Council, to accord.

The Company makes no proposition for the reduction of the debt, but simply claims that until the shareholders shall have received a yearly return of 6 per cent. interest on their investment, the Government shall absolve it from all further payment, and place the claim behind that of the ordinary stock of the Company. It bases this claim on the ground:—

1st. That the Legislature originally required it to build the road on a 5 feet 6 inch gauge, as a part of the Main Trunk Line, instead of a gauge of 4 feet 8½ inches which the Company contends would have been the one better adapted for connection with the American lines at either end.

2nd. That when incorporated, the Great Western Railway Company had the right to anticipate that it would be left in the exclusive possession of the Western Peninsula, but instead of being so, that the Legislature had chartered the Grand Trunk Railway Company, which has attracted a portion of the trade the Great Western would otherwise have enjoyed, and that this incorporation of a competing line was a violation of its chartered rights, and an act by which the promoters, after investing their funds, were deprived of the privileges which had been guaranteed to them.

3rd. That the Government loan to the Grand Trunk Company has been postponed to



the claims of bond and shareholders, and that if the same consideration should not be extended to the Great Western Company, it would be a serious injustice which would tend to the injury of the Provincial credit.

Such are in brief the arguments advanced, as well in the letter of the Managing Director, as in the Petition presented by the Company to Parliament in 1861.

Before offering any observation on these several points, it is necessary to advert to the actual position of the claim, inasmuch as it is stated in the letter now under review, that the Company "has paid back in principal and interest, £368,273 sterling, and that the Government retained in their hands at 31st January, 1868, £100,202 for Mail and Militia Service, which makes a cash payment to the Government of £468,475 sterling.

The amount actually due on the 31st January, 1868, to the Government for the capital of its arrears of interest, after crediting the Company with the full amount payable for Mail and Militia Service is \$1,079,418, making, with \$340,310 of interest on these arrears, a total of arrears and interest (exclusive of £557,500 sterling of capital still unpaid) of \$1,419,729 due by the Company to the Government.

It will be more convenient to consider the various objections above stated together, as they rest on somewhat similar grounds, and the undersigned will endeavor, as far as possible, to follow these in the order of time to which they relate.

In the letter of the Managing Director, he complains that before it was known that the Government intended to form a Main Trunk Line with Provincial assistance, and of a 5 feet 6 inch gauge, that arrangements had been made with the American lines, at either end of the Great Western Railway, to build the latter of a 4 feet 8½ inch gauge, and on that condition that the Companies agreed to subscribe certain sums to the stock of the Great Western Company, but that as soon as it was announced that the line was to be 5 feet 6 inches, the American Companies withdrew their subscriptions, and that thus considerable damage was done to the Great Western Company.

The obvious reply to this complaint—even were it well founded in fact—would be that it was optional to the Great Western Company to accept the Provincial aid or not, on the conditions on which it was offered, and that if they had thought it more to their interest to do so they could have declined the assistance of the Government, and adopted whatever gauge they considered most for their interest.

The amount promised by the Government, however, was more than four times the sum proposed to be subscribed by the American Companies, and apart from this consideration, the undersigned, from the best information he has been able to obtain, believes it to be a fact that the American Companies did not withdraw their subscriptions, but actually paid them as originally intended, holding their stock until after the Great Western Railway had been opened, when they sold their shares in London, it is to be presumed at a profit.

With reference to the subject of the adverse legislation and the pretension that the Great Western had a right to expect that it would "be left in possession of the entire Western Peninsula," the undersigned conceives that it is hardly reconcilable with the exercise by Parliament of its unquestionable duty of providing such means as from time to time it might think necessary for carrying on the trade of the country.

The legislation of which the Great Western Company now complains, was neither hasty nor inadvertent.

Every possible opportunity was afforded to all the parties interested, to be heard upon the merits of the question, and the Great Western Company were fully heard.

The Company was represented in Parliament by the late Sir Allan McNab, for many years its President, and it was he who, in 1852, moved the Resolution in the Railway Committee set forth in the Company's Petition in 1861.

The policy embodied in this Resolution was not concurred in by the House, but on the contrary, after full discussion and enquiry, Parliament declared, in 1852, that the Great Western Company was not to be left in entire possession of the Western Peninsula, and that that section of the country was to have the advantage of the further means of communication which the trade was considered to require.

The undersigned would call special attention to the fact that the Legislation complained of by the Great Western Company took place in the years 1852 and 1853, and was decided upon after full and careful consideration of the objections raised by the Great Western Company, and which are repeated in their Petition of 1861.

It would seem that the Company, with the full knowledge of the policy of the Legislation now complained of, applied for and received the largest portion of the advances made to it by the Government.

The amounts received by the Company would appear to have been paid on the dates below, viz :

November.....1852,	.....£200,000
August.....1854,	.....300,000
December.....1854,	.....100,000
March.....1855,	.....100,000
June.....1855,	.....70,000
Total.....	.....£770,000

Thus it will be seen that nearly the whole amount was advanced *after* the passing of the Charters creating a competing line of Railway in the Western Peninsula, and that the obligations which the Company undertook towards the Government were so undertaken with a full knowledge of the fact. The plea of adverse Legislation does not therefore appear to the undersigned to be founded in justice even in the abstract as respects the original shareholders. And it is to be kept in mind that the proprietary of the Great Western Company has very much changed since the Company first had its existence; the stock has fluctuated from £26 per share to £8 per share, and it is believed that a large proportion of the existing stock was bought at low rates; and the present proprietors therefore are not in a position to urge that, as regards them, there has been adverse Legislation, inasmuch as that Legislation was accomplished long before their interest began.

The Company further contend that they were placed in a worse position by the relief granted from time to time to the Grand Trunk Company, and especially by the Act passed in May, 1857, relieving that Company from all payment of interest on the Government Loan until the bondholders had received their full interest and the shareholders six per cent. on their stock.

In considering this branch of the Company's argument it is necessary to advert both to the conditions under which the advance of £770,000 sterling was originally made, and also somewhat in detail to certain negotiations which took place with the Government for a modification in these conditions. The original Loan bound the Company to pay six per cent. interest half-yearly, and three per cent. per annum in addition as a sinking fund for the liquidation of the principal—making a total charge on its current revenue of nine per cent. upon £770,000 sterling. When the Great Western Company saw the Legislation that was passing through Parliament, in regard to the Grand Trunk Company, it would seem that they were prompted for that reason to seek some concessions in respect of the terms on which they had obtained their advance; but it may be fairly presumed from the correspondence to which the undersigned deems it necessary to draw attention, that they felt it would be impossible for them to be wholly relieved from obligations into which, as has been seen, they had voluntarily entered, and which they were fully able to meet, for it is important to note that at this date the Great Western Company was in a prosperous state and paying dividends at from six to eight per cent. per annum on its stock.

In May, September and October, 1857, after the Royal Assent had been given to the Grand Trunk Railway Company Relief Act, the Great Western Company addressed official letters to the then Receiver General, making no request to be relieved from the loan but offering to pay it off in full by gradual payments.

In the letter of the 28th of May, the Company, after stating that they had already paid £67,856 10s. 7d. currency to the Sinking Fund, to repay the principal, stated as follows :

“The deduction of this Sinking Fund is objectionable in the case of a Joint Stock Company, the partners in which are of necessity constantly changing, the effect thus being to make the holders of the present day suffer for the benefit of those who hereafter purchase stock. For this reason it is desired to get rid of the necessity for keeping up a sinking Fund. The rate of interest payable on the bonds is also beyond that at which this Company is able to raise money on Loan. The bonds issued by the Govern-

ment practically involve an annual charge upon the earnings of the Company of nine per cent. per annum. The whole of which has regularly been deducted from the revenue, whilst it is possible to raise the same amount at five per cent., thus securing a saving upon a large amount of Capital at four per cent. per annum."

In the letter of the Managing Director, dated 3rd September, 1857, addressed to the Receiver General, he says;

"Referring to the various interviews I have had with you in reference to the re- payment of the advance to this Company of £770,000 sterling of Provincial bonds, I now beg to ask for a positive statement of the views of the Government upon the question, because I purpose leaving for England next week, and I am very desirous of being aware of what can be positively depended upon.

"The view of this Company is that the amount of the bonds, say £770,000 sterling, should be paid in London to the agents of the Province in four instalments, say 1st of July, 1858, 1st January and 1st July, 1859, and 1st January 1860; the amount, already paid to you on account of the Sinking Fund being accepted as part payment of the principal, and of course no further payments on account of that Fund being considered necessary. The interest upon the principal ceasing as the payments are made."

The Government having acquiesced in these views, the Company replied on the 3rd October, 1857, as follows:

"I have the honor to acknowledge the receipt of your letter of the 14th ult., enclosing a copy of an extract Minute of Council upon the subject of the re-payment of the advance of £770,000 sterling made to this Company by the Province of Canada. I now beg to acquaint you that the Board of Directors of this Company have passed a resolution accepting the conditions set forth in the Minute of Council, and giving the necessary instructions for their being carried into effect. I was at the same time instructed to express to you the thanks of the Directors of this Company for the fair and liberal spirit in which this matter has been entertained by the Government and yourself."

Such was the appeal made to the Government and the arrangement effected with the Company, after the so called adverse legislation had been passed, and after the advances made by the Grand Trunk Company had been placed by Act of Parliament in the precise position in which they stand to-day.

The Order in Council passed on the 10th Sept, 1857, accepted the Company's offer to day of the principal in four equal instalments, as follows:

1st July, 1858.

1st July, 1859.

1st January, 1859.

1st January, 1860.

In furtherance of their plans to be relieved of the Sinking Fund, and to borrow money at a less rate of interest than that which the Government Loan bore, the Company introduced a Bill into Parliament early in 1858, the preamble to which is as follows:

"Whereas the Great Western Railway Company have entered into arrangements with the Government of this Province, for the re-payment of the amount advanced to the Company, under an Act of the Province of Canada, passed in the twelfth year of Her Majesty's Reign, intitled, An Act to provide for affording the guarantee of the Province to the Bonds of Railway Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Railway; and whereas, to enable them to raise the funds required for this purpose, it is necessary that they should have the authority of Parliament to increase their capital, &c.

This Bill received the Royal Assent on the 16th August, 1858, but previous to that time, viz., on the 1st July 1858, the Company had re-paid the 1st instalment of its Loan which it had undertaken to liquidate on that day.

It would appear that after this date the Company, owing to temporary difficulties, found itself unable to pay the remaining instalments of the principal, at the dates which they had fixed, and asking for delay to meet it, the Company, in an official letter of 15th January, 1859, stated as follows:—

"We ask no gift such as has been given to other Companies of the unpaid balance of the Loan, originally made. We intend to pay the interest as it falls due, and we intend to re-pay the principal as soon as circumstances will enable us to raise money to do so."

After some further correspondence on the subject of re-paying the principal on the

days fixed, it would seem that the Government acceded to the Company's request for an extension of the time.

The circumstances under which the existing claim for arrears of interest arose, the subsequent financial position of the Company, as well as its action with reference to the amounts in arrear, have now to be noticed.

In the month of February, 1860, the Company applied to the Government for three years' delay from the 1st of July, 1859, to pay the interest on the debt. The Company in urging its application made the following statements:—

"That about two and a half years ago arrangements were completed to re-pay the loan, under which one quarter of the original amount has been paid to the Government in cash, and that the financial crisis of 1857, followed by two deficient harvests in Canada, placed it out of the power of the Company to re-pay any further amount until a revival of business took place. It is the firm belief of the Directors of this Company that the depression of business from which the whole Railway interest of Canada is now suffering is merely temporary, and that if we are blessed with a succession of good harvests, the difficulties which surround us will gradually disappear. Time therefore, is all that is wanted to enable the Company to resume, not only the payment of the interest on the balance of the loan, but also to carry out the arrangement to re-pay the principal. It is the full intention of the Company to do the last as soon as the circumstances of the case will permit of the necessary financial operation."

The application for three years extension was granted by Order in Council of the 1st of March, 1860, but on the condition *that after being credited with the amounts due for postal service, the Company should pay interest on the balance of the instalments remaining unpaid.*

The Directors, in their report of the 20th March, 1860, communicated this arrangement to their shareholders in the following language:—

"The depressed condition of the Company at the present time caused the Directors to apply to the Government upon the subject, and they have now the pleasure to inform the shareholders that the Government have consented not to call upon the Company for the payment of interest for three years from the 1st July, 1859, before which time it is hoped that the Company may be enabled to complete the arrangements made in 1857 to pay off the entire debt, and when this is done a settlement will be made of the whole account between the Government and the Company, including the payments in previous years towards the Sinking Fund."

Since that time the Company has made no payments whatever to the Government, either of principal or interest; but on the contrary, within a year from the period when the extension of time to pay the interest is accorded, the petition of 1861, referred to by the present Managing Director, is prepared, asking, among other things, that the Government would relieve them altogether from the payment of any interest until the shareholders shall have received six per cent. dividend. The motive for this petition, in their annual report of that date, is stated to be:—

"It has been announced that the Grand Trunk Company have again made application to the Parliament of Canada for further assistance, and this, if granted without any corresponding relief to this Company, will tend still further to damage the position of the Great Western Company.

"The Directors have therefore thought it their duty to prepare a petition to the Legislature of Canada, setting forth the full particulars and history of this Company's position, praying for the same relief as has been already conceded to the Grand Trunk Company, and also that adequate payment may be made for carrying the mails."

It is important to notice, in connection with this request, what the Financial position of the Company then was and has since continued to be.

It appears by the semi-annual reports made by the Directors to their shareholders, that in all the accounts of revenue, *the interest due to the Government on their loan is deducted before the net amount applicable to a dividend is stated:*

Thus in 1860 the first half year of the postponement, the net revenue is stated at "£82,218 stg.," "from which the following deductions among others have to be made:"

*Interest on Government Loan £17,498—*

The net balance available £23,813—is then brought down, and is carried to the credit of next year's account.

A similar deduction is made in each of the 16 half years that have elapsed since that day, and it would therefore appear that the Directors have retained from the Shareholders during the 17 half years, the sum of £294,470 stg. which was payable to the Government.

It also appears by these reports that during the same period, the Company had large sums on hand and lent at interest, and that they were paying off their Bonded debt, and declining to renew it.

Thus in July 1860 (in subsequent returns stated also to be partly loaned at interest), they return a balance in their Banker's hands of.....

	\$446,167.00		
31 January, 1861.....	\$467,296.69		
31 July, 1861.....	\$534,263.34		
31 January, 1862.....	\$658,646.72		
31 July, 1862.....	£176,097	17	10 stg.
31 January, 1863.....	\$864,984.41		
31 July, 1863.....	£179,174	4	2 stg.
31 January, 1864.....	£189,741	11	9 “
31 July, 1864.....	£162,816	13	6 “
31 January 1865.....	£ 70,694	12	4 “
31 July, 1865.....	£ 67,975	12	5 “
31 January, 1866.....	£144,366	4	1 “
31 July, 1866.....	£ 64,495	3	11 “
31 January, 1867.....	£ 43,364	13	0 “
31 July, 1867.....	£ 42,116	4	2 “

Next as regards the payment of their Bonded debt during the same interval when delay to pay the interest on the Government Loan was accorded.

In the Report of 31st October, 1860, the Directors state that—

“ The six per cent. bonds which fell due on the 15th of October last, amounting to £27,700, have been paid off at maturity, and offers to renew the same declined ;”—and in 1861 they seem to have paid them by anticipation, the Directors stating in their October report of that year that £1,400 of bonds due in 1862 have been paid, and that the Directors are prepared to pay at once the balance of £16,200 when applied for, while in 1864 they further reduced the bonded debt by no less than £72,680 sterling.

It thus appears that during the time when the Government was forbearing to exact the interest due, the Company had considerable balances lent at interest composed of the money charged as paid to the Government but which was in reality retained in hand ; that it was extinguishing large amounts of its Bonded debt ; and from the best accessible information, it would further seem that after deducting every half year the £17,498 5s. stg., due to the Government and interest on all classes of its Bonds, there has been paid to the shareholders an average amount during the existence of the Company up to 1865 of about 3½ per cent. per annum, on the par value of the shares, and since that period the average would appear to have been upwards of four per cent. per annum.

From the facts stated in the communication of the Managing Director, and by an examination of the Company's Accounts, it would further appear that during the same interval, not only have the liabilities of the Company been reduced, but its capital has been increased by the outlay on the third rail and other works referred to in that letter, to the extent of nearly £300,000 sterling, while it would seem to have only raised from its own shareholders about £90,000.

It may be fairly doubted whether the work of connecting by a third rail, the railways of Michigan at the one end, and those in the state of New York at the other, is one for which the Legislature would have been disposed to give a vote in aid. The adoption of a different uniform Canadian Gauge rested on distinct grounds of policy, affecting the carrying-trade and foreign commerce of the country, and it can hardly be supposed that the through unbroken traffic from the Western States across the Peninsula for distribution in the State of New York, and for the other towns in the Northern States connecting with the New York Central Railway, is an object which in itself Parliament could with propriety have been asked to promote. Indeed it would appear from the statement of the Directors themselves, that the third rail was laid down solely and with the special object of promoting this through traffic ; for in their report of October, 1864, they use the following arguments :—“ It has been clearly demonstrated to the Board that the future prosperity of the

Great Western of Canada, under the existing circumstances of surrounding competition, is inseparable from the promotion of a more expeditious and economical transport of through traffic than at present exists. There are several measures in contemplation for accomplishing this object, but the first desideratum is to secure an unbroken gauge, so as to avoid the delay and expense of handling freight consequent on the double transshipment *in its passage through Canada*, by laying an intermediate or third rail, between the Canadian Railway gauge of five feet six inches, and thus provide the American gauge of four feet eight and a half inches, as originally intended when the Great Western of Canada was designed. *The American roads between New York, Boston and Chicago, have shown their sense of the value of this facility, by offering to contribute material aid towards the costs of its construction, which the Company's Engineer estimates to amount to \$700,000.* The Board does not hesitate to recommend that this outlay be undertaken, and that the details be left to their discretion."

It appears to the undersigned that the plea of inability or temporary embarrassment, which was urged in 1860 as a reason for indulgence, no longer exists. Not only has the Company been able punctually to meet its interest every year, on all classes of its engagements,—to diminish its debt and increase its works, but it has also given a moderate return on the original Share Capital, (*after setting apart every half year the amount due to the Government,*) the accounts of the Company shewing that the proprietors have been paid an aggregate sum of upwards of five millions eight hundred thousand dollars in the shape of dividends on their stock from the date of the opening of the Railway to the 31st July, 1867.

It remains only to consider the objection that the Great Western debt should be placed on the same footing as that due by the Grand Trunk Company.

It hardly seems necessary to advert to the fact that the circumstances of the two Companies are wholly different, and that the special reasons which induced Parliament to defer its claim, and justified the postponement of the Provincial lien in the position of the Grand Trunk, do not exist in the case of the Great Western.

The one is a solvent active Company far more successful and remunerative than the average of Railways,—the earnings of the other have throughout its career been barely adequate to its efficient maintenance, to provide for the demands upon it, and yielding a return but on a very small proportion of the bonded debt standing in first order of precedence. The Great Western has never been in arrears to any class of its bonded or other creditors, and as to its stockholders, (apart from the circumstance of the change in the proprietary already adverted to,) the important fact is to be borne in mind that the stock having fluctuated from £26 per share down to £8, (the par value being £20 10s., and the present price is about £17,) a large quantity of the stock changed hands at figures greatly below par, and the dividends being on the par value, the percentage to those who have purchased at a discount is greatly increased.

It may be difficult to ascertain exactly how much that dividend would be to the present shareholders, at the prices they have paid for their stock; but when in addition to meeting all other engagements, and after charging the total interest accruing to the Government, and applying it to the reduction of their debt, and in adding to their road, and augmenting their capital,—the Company has yet been able to pay a fair dividend on the original value of its shares; it is hardly in a position to present such claims for consideration as would justify a Government in releasing it from its engagements or granting further concessions.

The undersigned is particularly reluctant to institute any comparison between the position of the Great Western Company and that of the Grand Trunk Company, or to be called on to weigh the measure of claim which each Company may have to public consideration.

The development of the country and extension of facilities for the conveyance of its products, is a policy which the Government of Canada promoted, by the encouragement it extended to Railway and other enterprises. Such encouragement to laudable undertakings was impartially offered at the outset, and undoubtedly the claims arising out of the advances made ought not to be enforced without giving proper consideration to the circumstances of the various Companies which obtained them.

To no Company were they intended to be a gift, and if the time or mode of re-payment

or the position of the security is to be affected, it is obvious that this can be done on no uniform rule, but the circumstances of each particular case must influence the Government in the course which it may recommend Parliament to adopt.

The Managing Director of the Great Western Railway Company having, however, rested his application mainly on the ground that concessions were made to the Grand Trunk Company; it would under such circumstances be improper entirely to avoid allusion to the position of the latter Company, and to the reasons which induced Parliament to interfere.

When the Government postponed its lien on the Grand Trunk Company that institution was actually unable to finish its works for want of capital. The work on important sections was in abeyance, and its other operations were suspended.

The line from St. Marys to London was then incomplete; that from St. Thomas to Rivière du Loup had only been begun; the Three Rivers and Arthabaska branch had made no progress; and the works on the Victoria Bridge—the essential link in the whole chain of communication—were threatened with suspension.

The alternative then lay between the Government itself undertaking the completion of these works, estimated to cost £2,000,000 sterling, and giving power to the Company itself to raise the further requisite capital.

While the Government lien continued to be the first charge, this further capital could not be obtained. It was doubtful also even when completed, whether all parts of the line could be kept open for traffic, and very important conditions in view of the precarious position of the Company were attached to the postponement of the Government lien. In the first place the Grand Trunk Company was required to raise £2,000,000 sterling, more capital, and to expend that amount in certain proportions on the incomplete works above enumerated, and to finish these works within certain periods fixed by the Act.

It was, Secondly, obliged to pay £100,000 sterling out of this loan to two other lines wholly unconnected with its system.

Thirdly, it was obliged to supply the whole of the lines, including the branches, with sufficient Plant, Rolling Stock, and appliances to work the same effectually. Such was the state of the Grand Trunk Company when the application for the postponement of the Government lien was made, and such were the conditions on which (and so long only as they were fulfilled) that lien was postponed.

Had the Great Western Company been *in extremis*—its works stopped,—unable to raise capital to prosecute them,—and the progress of those works been deemed a matter of public concern,—it would have been entitled to have asked and would doubtless have received the same measure of consideration which was extended to the Grand Trunk Company; but it will appear obvious from the facts which have been noticed that the exceptional reasons which moved the Legislature to the particular course of action, which was followed as respects the Grand Trunk Company, have no foundation in the case or circumstances of the Great Western Company.

The undersigned therefore submits to His Excellency the conclusions to which, after a dispassionate consideration of the whole case, he has felt it his duty to arrive:

1st. That the conditions on which the Great Western Company obtained its Charter have been violated in no respect whatever.

2nd. That the complaint of adverse Legislation is in the first place without foundation,—since no Legislation of a character different to what might have been anticipated, took place; in the second place, that before the Great Western Company received its advance from the Government, the policy on which any such legislation was based was perfectly well understood, even if the legislation itself had not been actually accomplished,—in the third place, that the Company itself acknowledged in their negotiations for the re-payment of the debt after 1858, that it had no pretext whatever for claiming exemption from payment, and in the fourth place, that in no case can the great body of the present shareholders, who have acquired their stock at recent dates, have any ground of complaint.

3rd. That there is nothing in the circumstances of the Company which justify any recommendation to Parliament to place the claim of the Government on a less secure footing; nor to authorize the Executive to abstain from exacting payment of what is now due.

4th. That the circumstances under which the Grand Trunk Company obtained con-

cessions do not exist in the case of the Great Western Company, whose works have long been complete and in efficient and profitable use.

The Minister of Finance therefore recommends that the Company be informed that the Government cannot alter the position of its claim, and that the Company be required to make good the balance of interest in arrear.

JOHN ROSE,  
*Minister of Finance.*

Ottawa, 24th February, 1868.

GREAT WESTERN RAILWAY,  
Hamilton, Ont., 12th March, 1868.

SIR,—On my return to office after a lengthened illness I find a letter which, under your direction, was addressed to me by Mr. Blackburn on the 4th, and received here on the 9th ultimo, and which requests me to furnish you with the following returns :

I. A statement of the average dividend the Company has paid on its share capital since its incorporation, together with a return of each year's dividend.

II. A statement shewing how much of the capital stock is at present owned by the original shareholders of the Company, together with a list of existing and original shareholders.

I have not the means in this country to enable me to furnish you with the holdings and names of the original and present shareholders of the Company ; but your request has been forwarded to the London office, where the Share Register is kept, nearly the whole of the capital being held in Great Britain, *all* of the *Bonds* of the Company being held there, and 167,815 shares of the capital stock.

The number of shares now held, as per Canadian Register, on this side of the Atlantic, is 1,885, of which 1,847 are still registered in the names of original subscribers.

In answer to your request to be furnished with a statement of the average dividend the Company has paid on its Share Capital, since its inauguration, together with a return of each year's dividend, I beg to submit the following :—

	Year.	*Rate per annum. Half-year ending		
		31st Jany.	31st July.	
Prior to the extension of the Grand Trunk west of Toronto	1854.....	*	6	Average 6 per cent. per annum.
	1855.....	6	8	
	1856.....	8	8	
	1857.....	9	6	
	1858.....	5½	4	
	1859.....	3	Nil.	
	1860.....	Nil.	Nil.	
Subsequent to that extension...	1861.....	3	Nil.	Average 2 per cent. per annum.
	1862.....	3	1½	
	1863.....	2½	Nil.	
	1864.....	1½	Nil.	
	1865.....	2	2	
	1866.....	5	5	
	1867.....	3½	4	

I have placed the Return in this form for the reason that the history of the Company may be divided into two distinct periods,—the first including that during which it enjoyed the advantages contemplated in its construction, and guaranteed to it on the faith of an Act of the Canadian Parliament, and the second after those advantages had been withdrawn by the completion of a rival Railway and its incorporation as a part of the "Main Trunk Line."

The extension Railway of the Grand Trunk from Toronto to London was opened on the 27th September, 1858, and its further extension from St. Marys to Sarnia was opened

\* Line only partially opened.



on the 21st November, 1859, thus forming a direct competing line with the Great Western to all principal points.

Up to that time the Great Western Company was enabled pay the interest upon the Government Loan, and an average dividend of six per cent. upon its Capital Stock—but since that period the average dividend paid by the Company, has been at the rate only of two per cent. per annum.

Since I had the honor of addressing you on the 30th January last, when I ventured to point out to you the injury the Great Western had sustained by adverse action on the part of the Legislature in sanctioning the construction of competing lines, contrary to the just expectations of its share and bond-holders, based upon the pecuniary encouragement given to the project by the Government, and likewise upon the declaration of the Government, by Act of Parliament, that the Great Western should form part of the "Main Trunk Line," an application for a new Railway from some point at or near the Village of Fort Erie, to some point in the County of Essex, in or near the Town of Sandwich or the Town of Windsor, has been made to, and granted by, the Legislature of Ontario, the avowed intention of the parties seeking the Charter being the establishment of a line of Railway in direct opposition to the Great Western for through traffic.

The Company strenuously opposed this scheme, pointing out that for almost its entire length it was a competing line with existing Railways; that the Territory south of the Great Western Railway was utterly inadequate to sustain a Railway of the character proposed, that the accommodation of through traffic was not a sufficient reason for the Canadian Legislature to Charter new lines of Railway to the injury of existing lines; that the condition of existing Railway investments should not be ignored, and that no scheme should be sanctioned calculated to injure them, and thus lessen the value of Canadian investments and securities generally in the English market.

I regret to say that these arguments were without influence in the Legislature; were, in fact, listened to with impatience when presented before the Railway Committee by Counsel; but that, on the contrary, acting upon a doctrine that existing Railways ought not to be heard against the chartering of new lines which would interfere with their dividends, and that it was no part of the business or duty of Parliament to protect existing interests, the Charter was granted.

The effect of the granting of this Charter by the Legislature of Ontario has already been felt in the English Stock Exchange, recent advices informing me that it had caused a considerable decline in the value of the shares of the Company.

I would submit that this action on the part of the Legislature of Ontario affords an additional reason to those already presented by me, why the Government should accede to the application for relief made by the Company, and which, in 1857, was readily afforded to its rival, the Grand Trunk Company.

I have the honor to be, Sir,

Your very obedient servant,

(Signed,)

THOS. SWINYARD.

Hon. John Rose,  
Finance Minister, Ottawa.

(Copy.)

OTTAWA, 14th March, 1868.

SIR,—I am directed by the Minister of Finance to acknowledge the receipt of your letter of the 12th inst., and to inform you that the observations contained in it will receive his best consideration.

Your obedient servant,

(Signed,)

W. A. BLACKMORE,

Secretary.

T. Swinyard, Esq.,  
General Manager, Great Western Railway  
Co., Hamilton.

GREAT WESTERN RAILWAY,

Hamilton, 19th March, 1868.

SIR,—I have the honor to acknowledge the receipt of your letter of the 14th instant, informing me that my communication of the 30th January last had been laid before His

Excellency in Council, and that the Government had not acquiesced in the conclusion at which I had arrived. At the same time that I received your letter I also received a letter from the Minister of Finance, dated the 14th instant, acknowledging another communication of mine of the 12th instant, in which I had furnished him with some information which he required; and, as this letter of the 12th instant is not referred to in your letter to me of the 14th instant, and the Minister of Finance in his letter of the 14th instant informs me that my observations in that letter shall receive his best consideration, I suppose that I may consider that the subject is still open to discussion, and that I may call the attention of the Government to my letter of the 12th instant, and to the additional observations which I now have the honor to submit.

In my former letter I called the attention of the Government to the difference of the position occupied by the Great Western and the other Railways to which *direct* assistance had been afforded by the Government, and I now desire to advert to a similar difference of position where Government assistance was *indirectly* afforded.

Under the Municipal Loan Fund Acts various Municipalities borrowed largely from the Municipal Loan Fund to assist the Railways that were then in the course of construction.

The Buffalo and Lake Huron, the London and Port Stanley, the Cobourg and Peterboro', the Port Hope, Beaverton and Lindsay, had their resources all supplemented from this Fund, and some of them to a very large extent.

The Government of Canada issued their Bonds to the amount authorized by law; but these Bonds were, both by the terms of the Acts under which they were issued as also by the very words of the Bonds themselves, expressly charged upon the Municipal Loan Fund alone, and the general revenue of the Province was not liable for them.

The various municipalities in whose behalf they were issued were bound to provide for the payment of their interest, and for a Sinking Fund for the payment of their principal. In every instance they have passed by-laws to levy the rates necessary for these purposes, and when they received those Bonds, they lent them to the Railway Companies, generally receiving their Bonds in return, it being no doubt intended that the interest and principal of the one class, should meet the interest and principal of the other. In this expectation the Municipalities were as much disappointed as the Government were in obtaining any interest on their Loan from the Grand Trunk, and the consequence was that as but very few of the Municipalities had levied any rates to meet either the interest or principal of the Municipal Loan Fund Bonds, the charge of them fell upon the Government, which finally assumed their payment and a very reduced rate was affixed by Statute on the Municipalities who had become the borrowers from the Fund.

Some of the Railways who received aid by these Bonds never paid anything for them, while others have only had to pay the diminished rate, and thus all of the Railways before mentioned have benefited by this Fund, and have never been required to make any corresponding return.

Some of these lines have had very little English Capital expended on them but they have mostly received similar assistance to the Grand Trunk, and without ever having paid a farthing of interest in return.

Both the Grand Trunk and the Great Western have been built by English Capital, and the circumstances set forth in my several communications would seem to lead to the inevitable conclusion that they should be placed on the same footing by the Government.

The Dominion of Canada is about to construct the Intercolonial Railway. The Imperial Government has guaranteed a large sum towards its construction. Without that guarantee the money could not have been raised except at a very high rate of interest, and probably with the experience of the Grand Trunk and Great Western as dividend-paying roads, could not have been raised at all; and when that loan is about to be placed on the English market it was not too much for those who, living in Great Britain have invested so largely in this Canadian Railway, to expect that such a measure of liberality should be extended to them for the amount remaining due to the Government, as has been already extended to the Grand Trunk.

This subject is of the greatest importance to the Great Western Railway, and I beg leave in addition to the written statements that I have put in, to ask that this Company may be heard by Counsel before the Privy Council before any final determination is

made, and that a day may be named when the Company may avail themselves of that privilege, if His Excellency in Council will afford it to them.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) THOS SWINYARD.

Hon. Hector Langevin,  
Secretary of State, Ottawa.

The Minister of Finance, to whom the accompanying letter has been referred, has the honor to report to His Excellency the Governor General in Council, that Dated 19th March, full consideration has been given by him to the statements contained in from Thos. Swin- yard. that letter, as well as those in Mr. Swinyard's communication of the 12th instant. He fails however, to find in these letters, any reasons for modifying the opinions already expressed by him in his report to His Excellency of the 24th February last.

With reference to the application that the Company should be heard before a Committee of the Honorable the Privy Council, the Minister of Finance is unwilling to debar the Company from any opportunity of presenting its claim for consideration, and though he is of opinion that the written communications which have already received His Excellency's consideration, contain all the arguments which can affect a decision, he recommends that the Company have permission to make any further oral statements they may desire to offer.

(Signed,) JOHN ROSE,  
*Minister of Finance.*

Ottawa, 24th March, 1868.

(Copy.)

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 24th March.

SIR.—I have the honor to acknowledge the receipt of your letter of th 19th inst., applying to be heard before a Committee of the Honorable the Privy Council, and to inform you that His Excellency has been pleased to comply with your request, and desires that you should name an early date on which your observations may be submitted.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) HECTOR L. LANGEVIN,  
*Secretary of State of Canada.*

T. Swinyard, Esq.,  
General Manager, Great Western Railway Company, Hawilton.

*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 March, 1868.*

On certain communications from the Great Western Railway Company, requesting a re-consideration of the Order in Council of 13th inst, on the subject of the debt due by that Company to the Government.

The Honorable the Minister of Finance reports that full consideration has been 24th March, 1868. given by him to the statements contained in the communication from Mr. Swinyard, under date of 19th instant, as well as those in the letter from that gentleman of the 12th instant. That he fails, however, to find in those letters any reasons for modifying the opinions already expressed by him in his Report to Your Excellency of 24th February ultimo.

That with reference to the application that the Company should be heard before the

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Committee of the Privy Council, he is, he states, unwilling to debar the Company from any opportunity of presenting its claim for consideration ; and though he is of opinion that the written communications which have already received Your Excellency's consideration contain all the arguments which can affect a decision, he recommends that the Company have permission to make any further oral statements they may desire to offer.

The Committee concur in the above recommendation of the Minister of Finance, and submit the same for Your Excellency's approval.

Certified.

W. A. HIMSWORTH,  
*Asst. Clerk.*

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## SUPPLEMENTARY RETURN

To an Address of the HOUSE OF COMMONS, dated 23rd March, 1868; For Copies of all Correspondence between the Government of Canada, or any of its Members, and the Northern Railway Company, the Great Western Railway Company, and any other Railway Company in the Dominion, with respect to the indebtedness of such Companies to the Government.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 21st April, 1868.

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### GREAT WESTERN RAILWAY.

(Copy.)

HAMILTON, CANADA,

(13 enclosures.)

(Written at Ottawa) 17th April, 1868.

SIR,—Referring to the interview which the Honorable the Privy Council was pleased to accord to the representatives of the Great Western Railway Company, on Wednesday the 8th April instant, in relation to the indebtedness of the Company to the Government, I now, in accordance with the desire expressed, beg to lay before you, in a printed form, the case which the Company's Counsel, on its behalf, had the honor and privilege of presenting.

It being a matter of the greatest importance to the Company—on account of the arrangements it may have to make, and also on account of the injury sustained in the value of its Shares and Securities, by what I confidently hope may prove an undue apprehension in Great Britain in regard to the intentions of the Government—I cannot too urgently request that the decision which the Honorable the Privy Council may have been pleased or may be pleased to arrive at, may be immediately conveyed to me.

In that hope I have again come to Ottawa, so that I may be in instant communication with the Government.

I have, &c.,

Your obedient servant,

(Signed,) THOS. SWINYARD.

The Honorable John Rose M. P.,  
Minister of Finance, Ottawa.

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## THE CASE OF THE GREAT WESTERN RAILWAY,

As presented to the Privy Council, 5th April, 1868.

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The early history of the Great Western Railway is full of difficulty and struggle. Chartered by the Parliament of Upper Canada in the year 1834, and with various revivals and amendments afterwards, it made no sufficient progress in public confidence for many years to warrant its commencement as a practical undertaking. But after the Provinces of Upper and Lower Canada had been united for some time, the attention of the Legislature was called to the necessity of affording encouragement to railway enterprises, and accordingly the Act, 12 Vic., Chap. 29, intituled, "An Act to provide for affording the Guarantee of the Province to the Bonds of Railway Companies, &c," was passed, and the first step taken in the direction of affording Government aid to the construction of Railways. This Act recited :

"Whereas, at the present day the means of rapid and easy communication by Railway between the chief centres of population and trade in any country and the more remote parts thereof, are become not merely advantageous but essential to its advancement and prosperity. And whereas, experience has shown that whatever be the case in long settled, populous and wealthy countries, in those which are new and thinly peopled and in which capital is scarce, the assistance of Government is necessary and may be safely afforded to the construction of lines of Railway of considerable extent, and that such assistance is best given by extending to companies engaged in constructing Railways of a certain length under Charter from and consequently with the approval of the Legislature, the benefit of the Guarantee of the Government under proper conditions and restrictions for loans raised by such Companies to enable them to complete their work."

It then proceeded to enact that the Provinces should guarantee, under certain conditions, the interest upon loans to be made by Railway Companies, whose lines should not be less than 75 miles in length, to the extent of not more than one half the cost of the line.

Encouraged by the terms of this enactment, the promoters of the Great Western Railway went vigorously to work, both in Great Britain and the United States, to raise the necessary capital, and ensure the completion of the road by the earliest possible day.

Forming the connecting link between the eastern and western parts of the United States, attention was naturally directed towards the New York Central and Michigan Central Railways, as being thereby greatly interested in the Great Western; and so anxious were those Companies to promote the undertaking, that they obtained authority from the respective Legislatures of New York and Michigan to take stock in the Great Western Company, and individual proprietors in those Roads became largely interested in the Great Western also. The undertaking now went on prosperously. Assured of the Government guarantee, and of the connection at each end of their line with the United States

in the year 1851 the Great Western Direction published a prospectus, setting forth these advantages, and soliciting the subscriptions of the public on the faith of them. This appeal was largely responded to, and everything being in a condition to ensure the success of the enterprise, the Great Western Company, in the month of January, 1852, entered into an agreement with the New York Central and Michigan Central Companies to make the gauge of the Great Western line the same as the gauge of the lines of those Companies, viz., 4 feet 8½ inches.

Up to this time no gauge, so far as the Great Western Railway was concerned, had been adopted by the Government of Canada, nor had any intimation ever been given to the Great Western or to the public that any different gauge would be required than that which had been adopted by the American Companies with which the Great Western had just entered into an agreement, and on the faith of which they had become so largely interested in the Great Western, and accordingly all were taken by surprise when the Public Works Commissioners determined in March, 1852, that the gauge should be 5 feet 6 inches, and when the Government announced that the Provincial aid would not be given to any railway which was not of that gauge.

Having relied upon the assistance of Government, it was impossible for the Great Western Company to succeed in their undertaking without it, and therefore they were obliged to withdraw from their agreements as to gauge with the American Companies, although they thereby almost entirely lost the great support which those Companies and their wealthy proprietary had promised and would undoubtedly have given them.

Shortly before this period, in the month of August, 1851, the Legislature had passed an Act for the construction of a Main Trunk Line of Railway through the Province. By this Act, 14 and 15 Vic., Chap. 74, and by the Proclamation of the Governor in Council issued under it, this Main Trunk Line was "directed and declared" to be made upon a line "extending from some point on the Eastern frontier of our said Province hereafter to be determined upon, to some point hereafter to be fixed in the Parish of St. Joseph de la Pointe Levi, opposite or nearly to the City of Quebec, running thence in as direct a line as may be found convenient to the River St. Francis, in or near the Village of Richmond, in the Township of Shipton, thence by the St. Lawrence and Atlantic Railroad to the City of Montreal, or some point on the south shore of the St. Lawrence, opposite or nearly opposite thereto, and further extending westward from the City of Montreal to the City of Kingston, or some other point on or near the River St. Lawrence, on Lake Ontario, in the vicinity of Kingston aforesaid, thence to the City of Toronto, thence to the City of Hamilton, or some convenient point on the line of the Great Western Railroad, and thence to the Detroit River, including any part of the said Western Railroad which may be constructed from the City of Hamilton to the Niagara River."

It was also further enacted by the same Act "that the guarantee offered by the said Act and all provisions of the said Act relative to such guarantee, shall be and are hereby restricted and confined to those Railroads which may form part of the said Main Trunk Line (in case of any part thereof being constructed by private Companies) and to the St. Lawrence and Atlantic Railroad, which has already received the said guarantee and forms part of the Main Trunk Line—the Great Western Railroad, which has been commenced and partly constructed on the faith of the said guarantee, and forms part of the said Main Trunk Line, &c."

Under these provisions, and upon the faith that the Great Western, as a part of the Main Trunk Line, would be protected by the Government and Parliament of Canada from injurious competition, subscription to the Stock of the Great Western were again solicited in Great Britain, and with the assistance of the sum of £770,000 stg., advanced by the Government to the Company in the bonds of the Province under the Guarantee Acts, the Great Western Railway was completed with a gauge of 5 feet 6 inches, the same as the rest of the Main Trunk Line through the Province; and the Line from Toronto to Hamilton, which became the property of the Great Western Company, was also declared by an Act passed on 10th November, 1852, to be a part of the Main Trunk Line and entitled to the Government guarantee.

On 10th November, 1852, the Grand Trunk Railway was incorporated, and its line from Montreal to Toronto was declared to be a part of the Main Trunk Line, and the whole line was thus laid out from Quebec to Windsor, and the Great Western Company built

their line to that point, at an expense of £4,250,000 stg., in the full belief that their interests as a part of the Main Trunk Line would be protected, and that the Government guarantee would not be afforded to any rival line.

Before this period, the Toronto and Guelph Railway had been incorporated, and in November, 1852, an Act was passed, giving that Company the power to extend their line to Sarnia, although the Great Western was already chartered for a line there by 8 Vic., Chap. 86, and although the Railway Committee of the House of Assembly had reported :

“That in the opinion of this Committee it would be unjust and impolitic to grant a competing line with the Great Western Railway, such as that asked by the Toronto and Guelph Company, in the proposed extension of their line from Guelph to Sarnia, there having been no evidence adduced to show the Committee that there would be more business than one line could do; that the Province having taken interest to the extent of one-half of the cost of the road now chartered (being upwards of seven hundred and fifty thousand pounds), that interest, as well as the interest of the individual stockholders, should be protected. This Committee are of opinion that the extension of the Toronto and Guelph Railway Company should not be granted.”

At this time (1852), the Great Western Company did not fear much from the power of extension given to the Toronto and Guelph Company, as it was not probable that funds could be raised from private sources to build this competing line; but in the month of December, 1854, the Grand Trunk Act of 1854 was passed, by the 20th Section of which the Government guarantee was extended to the Toronto, Guelph, and Sarnia Line, west of Toronto, and all the subsequent legislation for the Grand Trunk Railway, viz., the 18 Vic., Chap. 174, 19 and 20 Vic., Chap. 111, and 20 Vic., Chap. 11, was in the same direction, and facilities were granted by the Government and Parliament for Subsidiary lines, such as the line from St. Mary's to London, as a part of the Grand Trunk, the effect of which must necessarily have been to injure the Great Western and deprive it of a large portion of the traffic to which it had every reason to believe it was legitimately entitled by the previous action of Parliament.

The capital stock and bonds of the Great Western have been almost entirely subscribed for and held in England. The American Companies and proprietors sold out their stock when they found, as has been mentioned above, that the objects they had in taking it could not be accomplished; and the stock held in Canada amounts only to 1,885 shares out of 169,700 shares, of which 1,847 still stand in the names of the original subscribers, the remaining 167,815 being held in Great Britain.

Prior to the opening of the Western Extension of the Grand Trunk from Toronto, the dividends of the Great Western to its proprietors average  $6\frac{2}{3}$  per cent. per annum; subsequently to that period, and up to the present time, only two per cent per annum. Those dividends have been as follows:—

—	Year.	Rate per annum.		—
		Half-year ending 31st Jany.	31st July.	
Prior to the extension of the Grand Trunk west of Toronto	1854.....	*	6	Average $6\frac{2}{3}$ per cent. per annum.
	1855.....	6	8	
	1856.....	8	8	
	1857.....	9	6	
	1858.....	5½	4	
	1859.....	3	Nil.	
	1860.....	Nil.	Nil.	
Subsequent to that extension...	1861.....	3	Nil.	Average 2 per cent. per annum.
	1862.....	3	1½	
	1863.....	2½	Nil.	
	1864.....	1½	Nil.	
	1865.....	2	2	
	1866.....	5	5	
	1867.....	3½	4	

\* Line only partially opened.



Prior to the opening of the Western extension of the Grand Trunk, the Great Western had paid back to the Government £192,500 stg., or one-fourth part of £770,000 advanced to them, and all interest up to 1st July, 1859.

The direct advances to Railway Companies by the Government were as follows :—

Grand Trunk.....	£3,111,500 stg.
Great Western.....	770,000 “
Northern.....	475,000 “

No portion of these advances, either as to principal or interest, has been repaid to the Government, except by the Great Western, and Legislative sanction has been given to the non-payment in the case of both the Grand Trunk and the Northern.

In the case of the Grand Trunk, by 20 Vic., Cap. 11, Sec. 4, “The Province foregoes all interest on its claim against the Company, until the earnings and profits of the Company, including those of the Atlantic and St. Lawrence Railroad Company, shall be sufficient to defray the following charges : 1. All expenses of managing, working, and maintaining the works and plant of the Company. 2. The rent of the Atlantic and St. Lawrence Railway, and all interest on the bonds of the Company, exclusive of those held by the Province. 3. A dividend of six per cent. on the paid-up share capital of the Company in each year in which the surplus earnings shall admit of the same ;—And then in each year in which there shall be a surplus over the above-named charges, such surplus shall be applied to the payment of the interest on the Province Loan accruing in such year. The bonds and share capital herein mentioned shall be held to include and consist of all loans and paid-up capital which the Company have raised, or may hereafter raise, *bonâ fide* under the authority of any Act of the Provincial Legislature, passed, or to be passed, for any purpose authorized by any such Act.”

Two subsequent Acts—25 Vic., Chap. 56, and another passed during the present Session—have authorized the raising of two additional sums of £500,000 sterling each, which will come under the above provision, before the Government lien.

In the case of the Northern Railway, by the Acts 22 Vic., Chap. 89, and 23 Vic., Chap. 105, the interest on the Government loan of £475,000 is postponed until the payment of the interest of £500,000 1st and 2nd preference bonds, which virtually forms the capital of the Company, as the road is in the hands of the bondholders, and the share capital is only nominally kept up.

In the case of other Canadian Railways to which assistance has been given by Municipalities through the means of the Municipal Loan Fund, viz : The Buffalo and Lake Huron, the Port Hope, Beaverton and Lindsay, the London and Port Stanley, and the Cobourg and Peterboro’ ; the Municipalities have foregone the interest on those bonds, given in exchange for Municipal Loan Fund Bonds ; as the Government has in part foregone the interest from the Municipalities, and the Parliament has sanctioned, by Consolidated Statutes of Canada, chap. 83, the assumption by the Province of the £3,000,000, currency, of those bonds, although those Municipal Loan Fund Bonds were issued under a Statute, which, as well as the terms of the bonds themselves, charged the payment of both principal and interest upon the Municipal Loan Fund, and exempted the general revenue of the Province.

The Great Western has paid no interest on the Government Loan since July, 1859. The amount of the half yearly interest has been charged against revenue in the accounts of the Company, and amounts, at simple interest, less the amount credited for Postal and Military services, to \$1,077,000.

During the same period, and showing the effects of the competition of the Grand Trunk, the shareholders received no dividend whatever for three years, only 1½ for one year, 1½ for one year, 2 for one year, 3 for one year, 4 for one year, 5 for one year, or during the whole period an average of 2 per cent. per annum.

During the same period, the Shareholders paid in, in calls upon stock, \$1,916,454, out of which they paid off \$574,266 of their bonds, which matured and could not be renewed except on most unfavorable terms, leaving \$1,342,198, which has been supplied on account of capital expenditures, which were necessary to improve and increase the efficiency of the Railway, thus :—

Additional Lands, Works and Bridges.....		\$598,991
“ Line at Toronto and other places.....		523,831
“ Station accommodation.....		167,736
“ Locomotives and cars.....		121,831
New Rolling Mill at Hamilton.....		115,303
Expended for Uniform Through Gauge.....		649,563
New Car Ferry Boat.....		198,235
		<hr/>
		\$2,370,490
Stock of Stores paid for, required for operation of the line.....		600,000
		<hr/>
		\$2,970,490
Cash received from Shareholders.....	\$1,916,464	
“ paid Bonds, which could not be renewed at previous rates.....	574,266	
	<hr/>	
		\$1,342,198
Deducted from earnings on account of Government Loan.....	1,075,000	
	<hr/>	
		\$2,417,198
Balance overdrawn.....		\$553,292
		<hr/>

Several points have been urged, in the Report of the Honorable the Minister of Finance, in respect to the claims presented by the Great Western Railway Company, which it may be proper to notice.

1. It is stated to be optional with the Great Western Company to accept or reject the assistance of the Government, and that had they not considered it for their interest to accept the loan they would not have done so. It may be remarked in reply to this, that under the circumstances in which the Great Western Railway was placed, it had, in fact, no such option. In the efforts made for its construction between the years 1849 and 1852, it had depended not only upon the American assistance, but also upon pecuniary aid it expected from the Canadian Government. By the terms of the first guarantee Act, that of 1849, as has already been pointed out, the Provincial guarantee, to the extent of one-half the cost of any railway extending beyond seventy-five miles in length, was authorized to be given to such railway. In June, 1851, a circular was issued in England, soliciting subscriptions of stock in the Great Western Railway, and in it the fact of this Provincial assistance was stated, and its advantages strongly urged; and large subscriptions of stock were made upon the faith of it. Similar representations were made in the United States and the American subscriptions were obtained upon the faith of the same Act. In January of 1852, arrangements were made with American Companies for special advantages for through traffic and connections. But contrary to expectation, in March, 1852, the Department of Public Works came to a resolution that no assistance would be granted to any Company unless it adopted the 5 ft. 6 in. gauge; and this resolution was then, for the first time, communicated to the Great Western Railway Company, which had secured subscriptions in England and in the United States, and made arrangements with American Railway Companies on the faith of this Government assistance. Without that assistance, under these circumstances, the Company could not have gone on, and it was compelled therefore to acquiesce in the resolution of the Government, change the gauge previously determined upon, and so lose the advantage which its uniformity of gauge with its American connections would have secured it. In doing this, however, it relied upon securing the advantages of its position as part of “the Main Trunk Line” of Canada; and in a circular issued in England, in August, 1852, these advantages were specially dwelt upon, the circular adverting, as a favorable feature, to the immediate prospect of a *Trunk line being carried through the heart of Canada to Toronto, Kingston, Montreal and Quebec, and possibly through New Brunswick and Nova Scotia to Halifax, which would form the continuation of the Great Western of Canada, and therefore enhance its value.* And in April, 1853, in the *Grand Trunk Prospectus*, which was issued in England with the direct

authority, and under the sanction of Canadian Ministers of the Crown, attention was called to the fact that "at Toronto the Grand Trunk meets the Great Western Railway, leading through Hamilton to Detroit, the value of which connection may be judged from the favorable position in which the Great Western now stands in London, and which forms a continuation of the main Trunk line for 240 miles, now nearly completed. It is submitted that this was an additional and very strong assurance to the English public that whatever advantage might be anticipated from the Great Western being the western extension of the Main Trunk would be secured to it; and that the withdrawal of these advantages by subsequent legislation, notwithstanding these repeated assurances, constitutes a strong claim on the part of the Company to the favorable consideration of the Government.

2. It is stated by the Minister of Finance that the American Companies did not, in fact, withdraw their subscriptions from the Company, but actually paid them as originally intended, holding their Stock until the road had been opened, when they sold their shares in London, it is presumed, at a profit. It is submitted that the selling of the Stock in England, was, in fact, a withdrawal of their investments by the American Companies. The mere money subscription, however, was a secondary consideration. In consequence of the Great Western not being made narrow gauge as originally contemplated, the New York Central Company sold their Great Western stock, *but retained their interest in the Buffalo and Erie Railway, which they hold to this day, thus creating an interest in that line, to the direct detriment of the Great Western for all through traffic.* The advantages which the Great Western Railway hoped to obtain by enlisting the investments of the American Companies, and which, in fact, it would have retained had the arrangements originally entered into with them been carried out, cannot be measured by a mere money subscription. Those advantages consisted in the fact, that the Great Western Railway would have become *at once* the principal avenue of trade between the Great West and the Atlantic seaboard, and would by this means have enjoyed an assured and uninterrupted success as a commercial enterprise from the first. The withdrawal from the arrangements entered into with the American Companies compelled the Great Western Railway, to forfeit those advantages, the great importance of which has recently caused the Company to incur a large additional outlay in laying a Third Rail for the accommodation of Through Traffic, in the hope of recovering to some extent the position which it had been compelled to forfeit.

3. It is urged that the statement by the Great Western Company, that it had a right to expect that it would be left in possession of the entire Western Peninsula is hardly reconcilable with the exercise by Parliament, of its unquestionable duty of providing such means as from time to time it might think necessary for carrying on the trade of the country. This Company does not for a moment desire to restrict, even by suggestion, the exercise by Parliament of its unquestionable duty of providing such means as from time to time it might think necessary for carrying on the trade of the country; but it submits that the granting of a charter, especially when accompanied by a grant from the Public Chest in aid, implies that the Company chartered shall have the possession of the country which its road traverses, at least until the necessities of the traffic call for further accommodation. It was proved before the Railway Committee that no such necessity existed for the incorporation of the Toronto and Sarnia Railway, and in fact that road could not have been constructed but for the influence acquired by its incorporation with the Grand Trunk Railway. The carrying out in good faith of the arrangements under which the Great Western Railway adopted the 5 feet 6 inch gauge, and accepted the assistance of the Canadian Government would, notwithstanding the granting of the Charter for the Sarnia extension of the Toronto and Guelph Line, have prevented the construction of that Line for many years. The Great Western Railway Company had certainly the right to anticipate that the position assigned to their Railway, as the western link of the Main Trunk Line, in the several Acts of Parliament between 1849 and 1852, and in the Royal Proclamation of His Excellency the Governor General, would have been continued to it, and would certainly not be given to a rival enterprise; and it is in this view that the Company has ventured to urge that it had a right to expect that it would be left in possession of the Western Peninsula.

4. It is stated that the Company, with a full knowledge of the Legislation now complained of, received the largest portion of the advances made to it. This statement it is

submitted, is scarcely accurate. It is quite true that the advances were made at various periods, between 1852 and 1855, and that the Act reviving the Charter of the Toronto and Guelph Railway, and authorizing it to be extended to Sarnia, was passed in the session of 1852; but, as before pointed out, the mere granting of the Charter would not have secured the construction of that Railway, had it not been for its incorporation with the Grand Trunk Railway, and the extension to a portion of it of Provincial aid. The Act incorporating the Toronto and Sarnia Line with the Grand Trunk received the Royal Assent in December, 1854, and by the 20th sec. of that Act the Provincial guarantee was extended over the entire Grand Trunk Railway, from Trois Pistoles to Sarnia, thus ensuring the construction of the entire line. By the Act of 1852, the Provincial guarantee was restricted in so far as the Line west of Montreal was concerned, to that portion between Montreal and Toronto, and was not to exceed £3,000 sterling per mile, while in consequence of subsequent legislation which took place after the Great Western had received the greater portion of its loan, equal in amount to the capital now due to the Government, that guarantee was increased to an amount equal to £3,387 stg. per mile, for every single mile of the Grand Trunk Railway between Riviere du Loup and Island Pond in the east, and Sarnia in the west, including branches; and moreover it was by the Act of 1857, two years after the Great Western Railway Company had received the last instalment of Government Bonds, that special encouragement was afforded by the Government for the completion of the line from St. Mary's to London, which formed no part of the Trunk Line, was not required in any way for the development of the country, or for the accommodation of its traffic, but which, tapping the Great Western at London, was an additional drain upon the traffic of that Company. In confirmation of this point it may be remarked that by the Act of 1855, 18th Vic., Chap. 174, the additional aid, £900,000 stg., granted to the Grand Trunk, was so granted on condition that it should be expended between St. Thomas, below Quebec, and Stratford, above Toronto, and that by the Relief Act of 1857, by which the Government relinquished its claim, and authorized the Company to raise additional capital, it was expressly stipulated as a condition that the road to Sarnia should be completed.

This assistance, granted in 1855, was in direct variance with the terms of the Act of 1854 already cited, which declared that no Provincial bonds should be issued "on account of expenditures on any Branch Railway to be hereafter constructed, or on account of any expenditure on any line of Railway now amalgamated, or which may hereafter be amalgamated with the Grand Trunk Railway of Canada, excepting those forming the *direct line* from Trois Pistoles to Sarnia."

It will be seen from these facts that the Provincial assistance to this rival line, in consequence of its incorporation with the Grand Trunk Railway, without which the road, as admitted in the Report of the Minister of Finance, could not have been built, was not extended to it until after the Great Western had received the larger portion, and as to the London and St. Mary's Branch, the whole of the assistance afforded to it by the Government.

5. It is stated that great changes have taken place in the Proprietary of the Company, the Stock having fluctuated from £25 per share to £8 per share, and that therefore the present Proprietors are not in a position to urge that, as regards them, there has ever been any adverse legislation. It is quite true that the shares of the Great Western Railway are very considerably dealt with in England, but these dealings are confined to a very moderate proportion of the whole, large amounts being held by parties who make no change, a considerable proportion being Trust investments. But assuming, for the sake of the argument, that the facts are precisely as stated by the Minister of Finance, it is submitted that they do not make out a case against the present request of the Company; but that, on the contrary, they are rather an additional reason why that request should be acceded to. When the Shares of the Company were quoted at a premium, the full effects of the adverse legislation of the Canadian Parliament had not been realized; and the Company was in that condition of prosperity which, had the terms upon which it accepted the Government Loan not been departed from, it must have maintained. And, in so far as original Shareholders who continue Shareholders in the Company are concerned, these changes in the value of the Shares show how greatly they have suffered from that adverse legislation. It will be found, when the information asked for by the Minister of Finance upon this point

is received from England, that they constitute, with those who purchased when Stock was at a premium, a large proportion of the present proprietors of the Company.

6. It is stated that the Company, after the legislation of 1867, by which the Grand Trunk Railway was relieved of the payment of the Government Loan until its Bond and Shareholders were in receipt of six per cent. per annum, entered into correspondence with the Government with a view to the payment of its debt in four instalments, their proposition being agreed to and embodied in an Act of Parliament, and that in this correspondence no pretensions was made that the Company was entitled to be relieved from the debt.

The Correspondence between the Great Western Railway Company and the Government in 1857-8, in relation to the claim of the Government against the Company, to which reference is made, took place when the Company was in a prosperous condition, and was, in addition to the interest due to the Government, paying large dividends to its Shareholders. From the opening of the Road to the year 1859, the average dividend paid was  $6\frac{3}{4}$  per cent. per annum; but from the opening of the Road until the end of 1857, including that year, during which the correspondence was commenced, the average dividend was  $7\frac{7}{8}$  per cent. per annum. Were the Company to-day paying such dividends, there would be no necessity for its present request, *which is simply that until the traffic receipts of the Road are sufficient to pay six per cent. upon the Capital Stock, the Government shall forego any claim for interest*; and it is proper to remark, that no pretension is now made that the Company is entitled to be relieved from the principal of its debt; all that is asked is, that the Company shall be placed by the Government, in relation to that debt, in the same position as other Companies have been placed,—that is, that until the Shareholders are in the receipt of six per cent. dividends, the Government shall forego the payment of its interest.

7. It is further stated that by the Semi-Annual Reports, made by the Directors to their Shareholders, it appears that in all the accounts of Revenue the interest due to the Government on their Loan is deducted before the net amount applicable to a dividend is stated; and that while the Company has thus been withholding the interest on its loan from the Government it has been reducing its Bonded Debt, and has been expending large sums in laying a Third Rail, and in the general improvements of its works.

It has already been shown that the whole amount deducted from the Shareholders in the manner stated, together with the money received from the Shareholders has been expended in necessary improvements. The objection to a part of this expenditure, (the amount of \$549,563 for an uniform through gauge to connect the Michigan Central and New York Central Railways,) that the Canadian Legislature would have hardly given a vote in aid of any such purpose, is evidently a misconception of the views of the Legislature. By the 22 Vic., Chap. 116, irrespective of the authority to aid the Detroit and Milwaukee Railway, it was further enacted as follows:

‘AND WHEREAS, the Great Western Railway Company, in order to form connections with Railways in the United States of America, has to lay down its Rails out of the Province of Canada, and to provide facilities at Stations and otherwise for consolidating its traffic, therefore the Great Western Railway Company shall have full power and authority to use its funds by way of loan or otherwise in providing proper connection and with promoting its traffic with Railways in the United States of North America.’

It may also be mentioned, as a further indication of the willingness of Parliament to afford facilities to Canadian Railways to improve their revenues by their American connections, that the Grand Trunk Railway Company has been authorized to charge the rents of the St. Lawrence and Atlantic and the Detroit and Port Huron Railways, to working expenses, thus placing those charges in priority to the Government loan and the preferred bonds of the Company.

The expenditure for the third rail has already been of great advantage, and has shown of what immense benefit it would have been had the Great Western been able to carry out the agreement as to gauge, made in the inception of the enterprise, with the American Companies.

It has been equally advantageous to this country, as may be exemplified by drawing attention to the extent of the accommodation which could be afforded by the Great Western Company if it had only the local traffic to rely upon. In January and February of 1865,

when the through passenger traffic was stopped by the imposition of the United States passport regulation, the Company was only able to run *one passenger train per day each way*, whereas it now runs *four passenger trains through daily each way*, in addition to a *local accommodation train each way*. In the freight traffic it will also be obvious, that with only the local traffic to support the line, the Company could not carry it at such low rates, nor give the same train accommodation and facilities as it is enabled to do by working it in combination with the through traffic.

The extent of employment given by the Company should also be considered. With only half the business now done by the Company it could only employ half the force; while the amount expended in supplies (nearly the whole of which are purchased in Canada) is of great importance to the country.

As a further evidence of the willingness of Parliament to encourage American Traffic over the Western Peninsula, it may be remarked that during the last session of the Legislature of Ontario, that body, in chartering the Erie and Niagara Extension Railway, gave express authority to lay a Third Rail for the accommodation of Through Traffic, without which it was confessed by the promoters of the Bill that the charter would be valueless.

The Great Western Company bases its claims to the consideration of the Government upon the grounds above set forth, which the Company believes to be founded in equity and justice. Made a part of the Main Trunk Line and receiving the Government aid "in faith" thereof; compelled by the circumstances in which they were placed to adopt the Government gauge and thus lose the benefit of a uniformity of gauge with their American connections; rivalled by a competing line, against which they had considered themselves secure, and to which Parliament extended the Government guarantee, although previous legislation had expressly declared that no such guarantee should be given; a new Branch Line constructed, which the country did not require, but which served, by tapping their line at London, to divert a portion of their traffic; and an amalgamation allowed between the Grand Trunk and Buffalo and Lake Huron, which could not but be prejudicial to their interests; the Great Western present a case, which although it may not prove them to be *in extremis*, gives them hardly a less claim than if they were in that condition.

Nearly all their shareholders resident in England, and the capital for their Railway all raised there; an expenditure of some five millions sterling thereby made in Canada; and an average dividend of only two per cent, on the shares during nine years, with an overdraft now of upwards of a half a million of dollars, irrespective of the interest claimed by the Government, the Great Western may be said to be sufficiently *in extremis* to be entitled to equal consideration with the Grand Trunk and Northern Railways. Under these circumstances the Great Western Company submit three propositions for the consideration of the Government:—

**FIRST**:—That they should be placed, as to their Shareholders, in the same position as the Grand Trunk as to their Stock, and the Northern as to their bonds, and that their Shareholders should be allowed a dividend of six per cent. per annum, before any payment of interest to the Province; or,

**SECONDLY**:—That all the payments which they have made on account of either interest or principal, and the credits they have been allowed for postal or military service, amounting in the whole to £463,475 sterling, should be accepted by the Government on account of principal, that the Province should waive all interest on the loan from its commencement, and that the Company should pay the balance of the principal, £306,525, on or before the first day of January next, in full discharge of their Government debt; or,

**THIRDLY**:—That the Government should memorialize Parliament for relief in the premises, that the Government should assent to the reference of their memorial to a Special Committee, and allow the report of such committee to receive the consideration of the House.

The Great Western Company hope to receive the assent of the Government to some one of these propositions, and they trust that they will commend themselves to the justice alike of the Government, the Parliament, and the Country.

The Great Western Company are convinced that it will not be forgotten by the Government, that the great facilities which Canada now possesses for Railway communica-

tion, through the three great Canadian railways, are almost entirely owing to the investment of English capital ; and that Canada has itself contributed, even with the Provincial guarantee, but a small portion of the means expended in the work ; and that while the whole country has prospered in the highest degree during the years that have passed since these enterprises began, the British shareholders in these Companies, who have contributed so largely to that prosperity, have never received any adequate return. The absolute surrender of the whole sum advanced by the Province to these railways would be as nothing in comparison with the prosperity which they have helped to induce ; and now that the Government of the Dominion is about to invoke the aid of the English people to a new loan for the entire completion of "The Main Trunk Line" to the Atlantic seaboard, it would be politic, as well as just, that the claims which the Great Western Company have urged upon the Privy Council should be considered as favorably as the Government and Parliament have already considered the claims of the Grand Trunk or Northern Railways.

(Copy.)

FINANCE DEPARTMENT,  
Ottawa, 20th April, 1868.

SIR,—I have the honor to acknowledge the receipt of your letter of the 17th instant, with its accompanying enclosures, embodying the arguments advanced by Mr. Cameron, before a Committee of the Honorable the Privy Council, at its recent sitting.

The pressure of Parliamentary business at this moment will probably cause some short delay before His Excellency in Council can reconsider the question with that care which its importance requires. I will not, however, fail to apprise you of the determination which may be arrived at, at the earliest possible date.

Your obedient servant,  
JOHN ROSE.

(Signed,)

Thos. Swinyard, Esq.,  
General Manager, Great Western Railway,  
Ottawa.

# ESTIMATES

FOR THE YEAR ENDING JUNE 30, 1868.

CIVIL GOVERNMENT.—( Vide Det. Est., p. 4.)		\$	cts.	\$	cts.	\$	cts.
Lieutenant Governors of the Provinces .....				30,000	00		
Additional to late Governors New Brunswick and Nova Scotia.....				4,957	80		
Governor's Secretary's Office.....				8,370	00		
Department of Privy Council .....				17,170	00		
Department of Justice .....				10,073	32		
Department of Militia.....				19,750	00		
Department of Secretary of State for Canada—Secretary.....	5,000	00					
Secretary's Office.....	11,170	00					
Registry Branch.....	8,724	17					
Indian Branch.....	5,716	68					
Ordinance Lands Branch .....	4,479	60					
				35,090	45		
Department of Secretary of State for the Provinces.....				13,070	00		
Department of Finance—Minister .....	5,000	00					
Audit Branch .....	14,290	00					
Accounting Branch.....	19,336	65					
				38,626	65		
Department of Receiver General.....				20,570	00		
Department of Customs.....				23,000	00		
Department of Inland Revenue.....				13,386	19		
Department of Public Works—Minister.....	5,000	00					
General Branch .....	23,664	66					
Engineering Branch .....	9,947	00					
				38,611	66		
Department of Post Office .....				45,334	99		
Department of Agriculture, Immigration and Statistics.....				18,466	00		
Department of Marine and Fisheries.....				15,068	07		
Total Salaries.....				351,545	13		
Dominion Offices, Nova Scotia .....				11,500	00		
Dominion Offices, New Brunswick .....				5,725	00		
Departmental Contingencies .....				187,733	00		
Arrears of 1867 .....				12,786	59		
Total Civil Government.....						569,289	72
ADMINISTRATION OF JUSTICE.—( Vide Det. Est., p. 15)							
Circuit allowances and contingent expenses, Ontario.....				13,000	00		
Do do Quebec .....				12,000	00		
Do do Nova Scotia.....				1,650	00		
Do do New Brunswick.....				2,000	00		
Allowance to Judges swearing in Governor General .....				500	00		
Secret and Detective service.....				50,000	00		
Arrears of 1867 .....				13,937	13		
Total Administration of Justice.....						93,087	13
RIVER POLICE.—( Vide Det. Est. p. 17.)							
Montreal (whereof, \$3,700 chargeable against Harbor Commissioners) .....				16,100	00		
Quebec .....				16,100	00		
Total River Police.....						32,200	00
Carried forward.....						694,576	85



ESTIMATES for the year ending June 30, 1868.—*Continued.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....					694,576	85
<b>PENITENTIARIES &amp; PRISON INSPECTORS.—(Vide Det. Est., p. 18).</b>						
Penitentiary, Kingston, Salaries.....	52,977	50				
Maintenance.....	72,958	40				
Building Materials.....	4,625	36				
			130,561	26		
Criminal Lunatic Asylum, Salaries.....	6,530	00				
Maintenance.....	28,535	00				
Building Materials.....	21,120	66				
			56,185	66		
Penitentiary, Nova Scotia.....			16,500	00		
New Brunswick.....			8,200	00		
Prison Inspection.....			10,800	00		
Total Penitentiaries and Prison Inspection.....					222,246	92
<b>LEGISLATION.—(Vide Det. Est., p. 20.)</b>						
Senate, Salaries.....	33,035	00				
Contingencies.....	35,423	63				
			68,458	63		
House of Commons, Salaries.....	85,060	00				
Contingencies.....	115,680	00				
			200,740	00		
Election Expenses of Members for Nova Scotia.....			909	82		
Printing, Binding and Distributing Statutes.....			20,006	00		
Miscellaneous Printing.....			2,000	00		
Salary and Contingencies of Clerk of the Crown in Chancery.....			3,180	00		
Grant to Parliamentary Library.....			4,000	00		
Consolidation of Criminal Laws.....			1,000	00		
Grant to Ottawa and Prescott Railway for Extra Trains during the Session.....			1,800	00		
Total Legislation.....					302,088	45
<b>LITERARY AND SCIENTIFIC INSTITUTIONS.—(Vide Det. Est., p. 25.)</b>						
Observatory, Toronto.....			4,800	00		
Do Quebec.....			2,450	00		
Do Kingston (Queen's College).....			500	00		
Do Montreal (McGill College).....			500	00		
Six months' grant in aid of the following Institutions, Ontario and Quebec:—						
Medical School, Toronto.....			375	00		
Do Kingston.....			375	00		
Do Montreal.....			375	00		
Medical Faculty, Victoria College, Cobourg.....			375	00		
Do McGill College, Montreal.....			375	00		
Canadian Institute, Toronto.....			375	00		
Do Ottawa.....			150	00		
Athenæum, Ottawa.....			150	00		
Literary and Historical Society, Quebec.....			375	00		
Natural History Society, Montreal.....			375	00		
Total Literary and Scientific Institutions.....					11,550	00
<b>ARTS, AGRICULTURE AND STATISTICS.—(Vide Det. Est., p. 25.)</b>						
Expenses connected with organization of Patent Office.....			2,000	00		
Registration Department, Nova Scotia.....			5,185	00		
Registration, Quebec.....			650	00		
Total Arts, Agriculture and Statistics.....					7,835	00
<i>Carried forward</i> .....					1,238,297	22

## ESTIMATES for the year ending June 30, 1868.—Continued.

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....					1,238,297	22
<b>IMMIGRATION &amp; QUARANTINE—( Vide Det. Est., p. 26.)</b>						
Salaries of Immigration Office .....	12,500	00				
Rent and Contingencies of do .....	7,000	00				
Help and Transportation of Emigrants .....	15,000	00				
				34,500	00	
Expenses of Quarantine Establishment, Grosse Isle.....	16,000	00				
Salaries of Inspecting Officers, Quebec .....	2,500	00				
				18,500	00	
Quarantine Expenses, Halifax .....				3,000	00	
Do St. John .....				4,000	00	
Total Immigration and Quarantine .....						60,000 00
<b>HOSPITALS AND CHARITIES.—( Vide Det. Est. p. 27.)</b>						
Salaries of Marine and Emigrant Hospital, Quebec.....	6,000	00				
Expenses of Maintenance .....	15,958	00				
				21,958	00	
Salaries and Maintenance, St. John .....	4,878	00				
Do St. Andrew's and other Ports, N.E.	2,490	00				
Unforeseen Expenses, New Brunswick .....	1,632	00				
				9,000	00	
Maintenance of Sick and Disabled Seamen sent to the Gen- eral Hospital, Nova Scotia .....				5,000	00	
Shipwrecked and Distressed Seamen, Quebec .....	600	00				
Do do (including Superinten- dence), Nova Scotia .....	700	00				
Shipwrecked and Disabled Seamen, New Brunswick .....	200	00				
				1,500	00	
Humane Establishment, Sable Island.....	8,000	00				
Do Seal Island.....	120	00				
				8,120	00	
				45,578	00	
				2,022	37	
Arrears of 1867 .....						
Six months' Grant in Aid of the following Institutions, Ontario and Quebec:—						
Toronto Hospital.....				3,200	00	
Do for County Patients.....				2,400	00	
Toronto House of Industry.....				1,200	00	
Protestant Orphans' Home and Female Aid Society				320	00	
Magdalen Asylum .....				240	00	
Roman Catholic Orphan Asylum .....				320	00	
Lying-in Hospital .....				240	00	
Girls' Home and Public Nursery.....				160	00	
House of Providence .....				160	00	
Hospice de la Maternité .....				240	00	
Charitable Ladies' Association of R. C. Orphan Asylum .....				240	00	
Asylum of the Good Shepherd.....				320	00	
Managers of the Protestant Female Orphan Asylum				160	00	
Finlay Asylum .....				160	00	
Male Orphan Asylum.....				160	00	
St. Bridget's Asylum.....				160	00	
Ladies' Protestant Home.....				160	00	
Canada Military Asylum for Widows and Orphans				80	00	
Indigent Sick .....				1,600	00	
General Hospital des Soeurs de la Charité .....				400	00	
Corporation of General Hospital .....				2,000	00	
St. Patrick's Hospital .....				800	00	
Soeurs de la Providence .....				560	00	
Bonaventure Street Asylum.....				215	00	
Nazareth Asylum for the Blind and for destitute children .....				215	00	
St. Patrick's R. C. Orphan Asylum .....				320	00	
Protestant Orphan Asylum .....				320	00	
<i>Carried forward</i> .....				63,950	37	1,298,297 22

## ESTIMATES for the year ending June 30, 1868.—Continued.

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....			63,950	37	1,298,297	22
<b>HOSPITALS &amp; CHARITIES.—Continued.</b>						
House of Refuge .....	Montreal		240	00		
Ladies' Benevolent Society for Widows and Orphans .....	do		160	00		
University Lying-in Hospital .....	do		240	00		
Lying-in Hospital under care of Sœurs de la Miséricorde .....	do		240	00		
Deaf and Dumb Asylum .....	do		1,500	00		
Roman Catholic Orphan Asylum .....	do		160	00		
Magdalen Asylum, Ladies of Bon Pasteur .....	do		160	00		
Montreal Dispensary .....	do		160	00		
Montreal Home and School of Industry .....	do		160	00		
St. Vincent de Paul Asylum .....	do		215	00		
Kingston General Hospital .....	Kingston		2,400	00		
House of Industry and Refuge for Indigent Sick .....	do		1,200	00		
Hôtel Dieu Hospital .....	do		400	00		
Orphans' Home .....	do		320	00		
Deaf and Dumb Institution for Upper Canada .....	Hamilton		1,500	00		
Hamilton Hospital .....	do		2,400	00		
Orphan Asylum and Ladies Benevolent Society .....	do		320	00		
Roman Catholic Asylum .....	do		320	00		
London Hospital .....	London		1,200	00		
Protestant Hospital .....	Ottawa		600	00		
Roman Catholic Hospital .....	do		600	00		
St. Hyacinthe Hospital .....	St. Hyacinthe		160	00		
General Hospital, District Richelieu .....	Sorel		160	00		
Indigent Sick .....	Three Rivers		1,120	00		
Do .....	Quebec		1,600	00		
Total Hospitals and Charities .....					81,485	27
<b>MILITIA AND GUNBOATS.—(Vide Det. Est., p. 30.)</b>						
<b>ORDINARY EXPENDITURE.</b>						
Departmental Salaries .....			31,940	60		
Contingent and Incidental Expenses .....			38,000	00		
Compensation for Accidents at drill .....			2,000	00		
Ammunition .....			17,500	00		
Targets .....			10,000	00		
Drill Sheds and Rifle ranges .....			100,000	00		
Improved Fire Arms .....			43,000	00		
Military Schools .....			100,000	00		
Public Armouries and Care of Arms .....			35,000	00		
Clothing .....			60,000	00		
Clothing allowances .....			2,500	00		
Brigade Majors .....			18,000	00		
Drill Instructors .....			40,000	00		
Efficient Volunteer Corps .....			5,000	00		
Annual Drill Pay .....			218,000	00		
General services of Militia .....			20,000	00		
Militia Services, Nova Scotia .....			140,000	00		
Do New Brunswick .....			80,000	00		
			960,940	00		
<b>MISCELLANEOUS.</b>						
Pay of Volunteers for Dominion Day Review .....			18,000	00		
To cover the payment for Stores furnished by the Imperial Government before the 1st July, 1867 .....			180,000	00		
To pay for Barrack fittings made by the Royal Engineers .....			120,000	00		
For Barrack accommodation, including Rents, Insurance and fittings, made by the Dominion .....			80,000	00		
For 3,000,000 rounds of Ball Ammunition for the new Snider Enfield's .....			72,000	00		
<i>Brought forward</i> .....			1,430,940	00	1,379,782	58

ESTIMATES for the year ending June 30, 1868.—*Continued.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....			1,430,940	00	1,379,782	59
<b>MILITIA AND GUNBOATS.—Continued.</b>						
<b>MISCELLANEOUS.—Continued.</b>						
Completing Military Survey of late Province of Canada .....			2,607	00		
Arrears of 1867 .....			23,314	36		
			1,456,861	36		
<b>GUNBOATS.</b>						
Gunboat service .....			25,000	00		
Total, Militia and Gunboats .....					1,481,861	36
<b>PENSIONS.</b>						
<b>PENSIONS, ONTARIO AND QUEBEC.—(Vide Det. Est., p. 33.)</b>						
Saml. Waller, late Clerk H. of Assembly .....			400	00		
L. Gagné, Messenger, do .....			72	00		
John Bright, do do .....			80	00		
Mrs. Antrobus .....			500	00		
P. Bouchard, for wounds received .....			100	00		
<b>NEW MILITIA PENSIONS.</b>						
Mrs. Caroline McEachern and 5 children .....			319	00		
Jane Lakey .....			146	00		
Rhoda Smith .....			110	00		
Janet Alderson .....			110	00		
Mary McKenzie .....			80	00		
Mary A. Richey and 3 children .....			192	00		
Mary Morrison .....			80	00		
Louise Prudhomme and 2 children .....			130	00		
Virginie Charron and 4 children .....			37	50		
Paul M. Robins .....			146	00		
Chs. Thos. Bell .....			73	00		
A. M. Oliphant .....			109	50		
Charles Lugden .....			91	24		
John White .....			109	50		
Thos. Charters .....			91	24		
Samuel McCrag .....			109	50		
Chas. Thos. Robertson .....			110	00		
Percy Gore Routh .....			400	00		
Richard Launders King .....			400	00		
Geo. Allen McKenzie .....			73	00		
Edwin Hilder .....			146	00		
Fergus Scholfield .....			73	00		
John Bradley .....			109	50		
Richd. Pentecost .....			91	24		
John Cole .....			109	50		
Geo. Prentice .....			400	00		
George Elliott .....			73	00		
James Bryan .....			109	50		
Jacob Stubbs .....			73	00		
Mary D. Connor .....			110	00		
Mary Hodgins and 3 children .....			191	00		
John Martin .....			110	00		
Gratuities .....			500	00		
Additional claims for pensions and gratuities now before Government .....			8,500	00		
<i>Carried forward</i> .....			14,965	22	2,861,643	95

## ESTIMATES for the year ending June 30, 1868.—Continued.

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....			14,965	22	2,861,643	95
<b>PENSIONS.—Continued.</b>						
<b>PENSIONS, NEW BRUNSWICK.</b>						
Military pensions.....			700	00		
COMPENSATION TO PENSIONERS IN LIEU OF LAND .....			9,450	00		
Total, Pensions .....					25,115	22
<b>PUBLIC WORKS.—(Vide Det. Est., p. 40.)</b>						
<b>RAILWAYS.</b>						
Towards construction of Railway between Halifax, Truro and Windsor, and between Truro and Pictou.....			280,500	00		
Construction of Railway between Halifax and Pictou.....			200,000	00		
Construction of Railway between Windsor and Annapolis ...			300,000	00		
Construction European and N. A. Railway.....			31,750	00		
To meet Stock in Western Extension.....			180,000	00		
To meet subsidy to do .....			150,000	00		
To meet subsidies, other lines, N. B. (27 Vic. c. 3.).....			141,000	00		
Towards location of Interoceania Railway .....			50,000	00		
<b>CANALS.</b>						
St. Peter's Canal, Nova Scotia.....	44,805	31				
Welland Canal .....	10,000	00				
Cornwall Canal .....	5,000	00				
Carillon and Grenville Canal.....	22,500	00				
Rideau Canal .....	10,000	00				
Newcastle District and River Trent.....	3,000	00				
			95,305	31		
<b>HARBOURS.</b>						
Harbours, Lake Huron.....	8,000	00				
Pier, Digby.....	3,000	00				
			11,000	00		
SLIDES AND BOOMS.....			10,000	00		
<b>PUBLIC BUILDINGS.</b>						
Parliament and Departmental Buildings, Ottawa.....			100,000	00		
Rideau Hall, including purchase of property, and furniture .....			122,000	00		
Montreal Post Office .....			4,000	00		
Custom House, Quebec.....			4,000	00		
<b>LIGHT-HOUSES.</b>						
Point St. Laurent .....	11,500	00				
Georgian Bay.....	3,000	00				
Nine Mile Point, Kingston.....	600	00				
Towards construction of Beacon Light, Harbour St. John ...	5,000	00				
Construction of temporary do .....	3,500	00				
			23,600	00		
<b>ROADS AND BRIDGES.</b>						
Temiscouata Road.....	500	00				
Matapedia and Ristigouche Roads .....	15,000	00				
			15,500	00		
ARBITRATIONS AND AWARDS.....			70,000	00		
RENTS AND REPAIRS OF PUBLIC BUILDINGS.....			91,000	00		
<i>Carried forward</i> .....			1,879,655	31	2,886,759	17

ESTIMATES for the year ending June 30, 1868.—*Continued.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....			1,879,655	31	2,886,759	17
<b>PUBLIC WORKS—Continued.</b>						
<b>MISCELLANEOUS.</b>						
For purchase of land for construction of Hospital and Quarantine Station at Halifax .....			10,000	00		
Surveys and Inspections.....			7,000	00		
Miscellaneous charges in respect of Public Works not otherwise provided for.....			10,000	00		
Arrears of 1867 .....			6,720	75		
<b>Total Public Works</b> .....					<b>1,913,376</b>	<b>06</b>
<b>LIGHT HOUSES AND COAST SERVICE.—( Vide Det. Est., p. 37.)</b>						
Trinity House, Quebec.....			46,739	00		
Trinity House, Montreal .....			26,000	00		
Maintenance of Light Houses above Montreal.....			43,000	00		
Guides to Travellers on Kempt Road.....			400	00		
Maintenance of Light Houses, Nova Scotia.....		50,000	00			
Buoys, Beacons and Signal Stations.....		2,200	00			
			52,200	00		
Maintenance of Light Houses, New Brunswick.....		17,000	00			
Buoys, Beacons and Signal Stations do .....		3,600	00			
			20,600	00		
Arrears of 1867 .....			3,562	55		
<b>Total Light Houses and Coast Service</b> .....					<b>192,501</b>	<b>55</b>
<b>OCEAN AND RIVER STEAM SERVICE.—( Vide Det. Est., p. 35.)</b>						
Tug Service between Montreal and Kingston.....			12,100	00		
Maintenance and Repairs of Dominion Steamers, Quebec.....		75,000	00			
Do do Nova Scotia.....		26,000	00			
			101,000	00		
Subsidies to Steamers between Prince Edward Island and Port Hood.....			1,600	00		
Subsidies to Steamers between Windsor, St. John, Digby and Annapolis.....			4,000	00		
Subsidies to Steamers between Halifax and Newfoundland.....			1,500	00		
Do do Pictou and Magdalen Islands.....			400	00		
Do do New Brunswick and Prince Edward Island .....			1,000	00		
Subsidies to Steamers between Quebec and Maritime Provinces.....			15,000	00		
<b>Total Ocean and River Service</b> .....					<b>136,600</b>	<b>00</b>
<b>FISHERIES.—( Vide Det. Est., p. 43.)</b>						
Expenses of Schooner <i>La Canadienne</i> .....			7,755	00		
Salaries and Expenses of Overseers, Ontario .....			6,000	00		
Do do Quebec .....			6,000	00		
Building Fishways, and formation of Oyster Beds.....			1,000	00		
Fine remitted by O. C., February 29.....			40	00		
Salaries and Expenses of Overseers, Nova Scotia.....			5,000	00		
Do do New Brunswick.....			5,000	00		
Fishery Bounties for 1867 .....			7,002	50		
Indemnity to Fishermen who have acted under faith in existing laws .....			5,000	00		
Arrears of 1867.....			5,466	37		
<b>Total Fisheries</b> .....					<b>49,263</b>	<b>87</b>
<b>INDEMNITIES UNDER SEIGNIORIAL ACTS.—( Vide Det. Est., p. 44.)</b>						
Expenses of Seigniorial Commission.....			4,526	84		
Amount due to June 30, 1867, including the Indemnities for the year ending Dec. 31, 1867.....			140,121	63		
<b>Total Seigniorial</b> .....					<b>144,648</b>	<b>47</b>
<i>Carried forward</i> .....					<b>5,322,149</b>	<b>12</b>

ESTIMATES for the year ended 30th June, 1868.—*Concluded.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....					5,322,149	12
<b>INDIANS.—(Vide Det. Est., p. 45.)</b>						
New Indian Annuities, Ontario .....			4,400	00		
Annual grant to Indians, Quebec .....			400	00		
For blankets to Indians, do .....			1,100	00		
Indians, Nova Scotia .....			1,200	00		
Do New Brunswick.....			1,300	00		
Total Indians .....					8,400	00
<b>CULLING TIMBER.—Vide Det. Est., p. 42.)</b>						
Salaries and Expenses of Supervisor's office, and fees of Cullers .....					70,500	00
<b>RAILWAY AND STEAMBOAT INSPECTION.—(Vide Det. Est., p. 43.)</b>						
Railway Inspection.....				3,550	00	
Steamboat Inspection, Ontario and Quebec.....	7,000	00				
Do Nova Scotia and New Brunswick.....	1,000	00				
				8,000	00	
Arrears of 1867.....				592	00	
Total Railway and Steamboat Inspection .....					12,142	00
<b>MISCELLANEOUS.—(Vide Det. Est. p. 47.)</b>						
Unforeseen expenses.....			20,000	00		
Gratuities granted to widows of Civil Servants to March 15.....			2,207	23		
To pay lessees of Erie and Ontario Railroad for damage to track during Fenian raid, 1866.....			2,800	00		
Indemnity to H. Hurley for property burned by Fenians in 1866.....			200	00		
Claims for compensation for damages by Fenians before Government .....				725	86	
Miscellaneous Printing.....			5,000	00		
Advertising and subscription to <i>Canada Gazette</i> .....			8,000	00		
Postages for do .....			1,200	00		
Shipping Master's Office, Quebec.....			1,200	00		
Arrears of 1867 .....				9,035	23	
					50,368	42
<b>COLLECTION OF REVENUES.—(Vide Det. Est., p. 48.)</b>						
Customs .....			520,016	00		
Do Arrears of 1867 .....			41,622	21		
Inland Revenue.....			114,434	74		
Post Office .....			735,000	00		
Do Arrears of 1867 .....			35,391	06		
Public Works .....			730,742	49		
Minor Revenues .....			20,000	00		
Total Collection of Revenue .....					2,197,206	50
Total.....					7,660,766	04

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DETAILED ESTIMATES

OF THE

DOMINION OF CANADA,

FOR THE FISCAL YEAR ENDING 30TH JUNE,

1868.

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**DETAILED ESTIMATES**  
Of the Dominion of Canada, for the Fiscal Year ending 30th June, 1868.

	AUTHORITIES.				Total.		Grand Total.	
	Special Acts.		Estimates.					
	\$	cts.	\$	cts.	\$	cts.	\$	cts.
<b>S E R V I C E.</b>								
<b>PUBLIC DEBT.</b>								
<i>In London.</i>								
Interest on Public Debt, Ontario and Quebec.....	Con. St. c. 14.	3,146,234 00						
Do on Current Account do .....	"	97,335 00				3,243,569 00		
<i>In Canada.</i>								
Interest on Public Debt, Consolidated Fund, Ontario and Quebec .....	"	136,590 00						
Do on Special Funds, Ontario and Quebec.....	"	12,000 00						
Interest on Temporary Loans, Bank of Montreal.....	"	177,073 00				325,573 00		
Interest on Public Debt, Nova Scotia .....		373,710 00						
Do due to Savings' Banks .....		25,000 00						
Interest on Public Debt, New Brunswick. ....		312,200 00						
Do due to Savings' Banks .....		42,180 00						
Do on Current Account with London Bankers.....		5,395 00						
<i>Charges of Management.</i>								
Commission to Financial Agents .....	Cor. St. c. 14.	31,624 00						
Do on Investments for Sinking Fund.....	"	4,339 00						
Advertising, Telegrams, Postages and Bill Stamps .....	"	3,475 00						
Cost of Provincial Notes .....	"	20,000 00						
Allowance to Bank of Montreal on average of Notes withdrawn from circulation .....	"	185,000 00						
Percentage on Provincial Notes circulated .....	"	45,000 00						
Bank of Montreal Initialing Legal Tender Notes .....	"	500 00						
Salaries of Provincial Notes Commissioners.....	"	2,400 00						
Savings' Bank, Nova Scotia, Salary of Manager.....		\$1,600 00						
Do of Clerk.....		600 00						
Contingencies .....		40 00						
Savings' Banks; New Brunswick, Commission to Savings' Banks' Agent.....		2,240 00						
		1,000 00				295,588 00		

<i>Sinking Fund.</i>							
Amount including Arrears.....	433,858 00	433,858 00					433,858 00
<i>Redemption of Public Debt.</i>							
Debentures to be redeemed, Ontario and Quebec .....	13,073 33						
Do do New Brunswick .....	150,870 00						
To redeem mutilated notes, Nova Scotia.....	50,000 00						215,945 33
Premium on Exchanges.....	40,000 00						40,000 00
							5,311,016 33
<b>CIVIL GOVERNMENT.</b>							
<i>Salaries.</i>							
His Excellency the Governor General .....			B. N. A. Act.				
Do Lieut. Governor of Ontario.....		48,666 66				48,666 66	
Do Lieut. Governor of Quebec .....					8,000 00		
Do Lieut. Governor of Nova Scotia .....					8,000 00		
Do additional.....					7,000 00		
Do Lieut. Governor of New Brunswick .....					2,542 46		
Do additional.....					7,000 00		
					2,415 34		
						34,957 80	34,957 80
<i>Governor General's Secretary's Office.</i>							
Salary of Secretary.....					3,000 00		
Do of 1st Clerk.....					1,800 00		
Do of 2nd do .....					1,400 00		
Do of 3rd do .....					720 00		
Do of Office Keeper.....					500 00		
Do of Messenger.....					500 00		
Do do .....					450 00		
						8,370 00	8,370 00
<i>Department of the Privy Council.</i>							
Salary of the President of the Privy Council.....					5,000 00		
Do of Clerk of the Privy Council.....					2,000 00		
Do of Confidential Clerk.....					2,000 00		
Do of 2 Clerks at \$1,400 each.....					2,800 00		
Do of 1 do .....					1,240 00		
Do of 1 do .....					940 00		
Do of 1 do .....					640 00		
Do of Door Keeper and Messenger.....					600 00		
Do of 3 Messengers at \$450 each.....					1,350 00		
						17,170 00	17,170 00

DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.		Total.	Grand Total.
	Special Acts.	Estimates.		
	\$	cts.	\$	cts.
<b>CIVIL GOVERNMENT.—Continued.</b>				
<i>Department of Justice.</i>				
Salary of Minister of Justice and Attorney General.....				
Do of Deputy of.....	5,000	00		
Do of Assistant to do.....	2,600	00		
Do of Short-hand writer.....	1,000	00		
Do of Agent at Toronto.....	973	32		
Do of Messenger.....	200	00		
	500	00	10,073	32
<i>Department of Militia.</i>				
Salary of Minister of Militia.....	5,000	00		
Do of Deputy of do.....	2,200	00		
Do of Clerk.....	1,000	00		
Do of do.....	1,000	00		
Do of Messenger.....	450	00		
			9,650	00
<i>Account Branch.</i>				
Salary of Chief Clerk and Accountant.....	2,000	00		
Do of Clerk.....	1,200	00		
Do of do.....	1,200	00		
Do of do.....	800	00		
Do of do.....	500	00		
Do of Messenger.....	400	00		
			6,100	00
<i>Store Branch.</i>				
Salary of Superintendent of Stores.....	1,400	00		
Do of Temporary Clerk.....	1,000	00		
Do of do.....	800	00		
Do of do.....	800	00		
			4,000	00
			10,073	32
			19,750	00

*Department of Secretary of State for Canada.*

Salary of Secretary of State.....	5,000 00		
Do of Under Secretary.....	2,840 00		
Do of 1 Clerk.....	2,000 00		
Do of 1 do.....	1,400 00		
Do of 1 do.....	1,240 00		
Do of 2 do at \$912.50 each.....	1,825 00		
Do of House Keeper.....	500 00		
Do of 2 Messengers at \$500 each.....	1,000 00		
Do of 1 do.....	365 00		
		16,170 00	16,170 00

*Registry Branch.*

Salary of Chief Clerk.....	1,800 00		
Do of 1 Clerk.....	940 06		
Do of 1 do.....	912 50		
Do of 1 do.....	800 00		
Do of 1 do.....	750 00		
Do of 3 do at \$730 each.....	2,190 00		
Do of 1 do.....	500 00		
Do of 1 do for 4 months.....	413 34		
Do of 1 do do.....	233 33		
Do of 1 Messenger.....	165 00		
		8,724 17	8,724 17

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*Indian Lands Branch.*

Salary of Deputy Superintendent.....	2,000 00		
Do of Book-keeper.....	1,400 00		
Do of 1 Clerk.....	940 00		
Do of 1 Draughtsman.....	760 00		
Do of retired Chief Clerk, 8 months.....	466 68		
Do of Messenger, 4 months.....	150 00		
		5,716 68	5,716 68

*Ordinance Lands Branch.*

Salary of Chief Clerk.....	2,000 00		
Do of Book Keeper.....	940 00		
Do of 1 Clerk.....	940 00		
Do of 1 Land Bailiff.....	415 60		
Do of 1 Care-taker, Toronto.....	184 00		
		4,479 60	4,479 60

*Department of Secretary of State for the Provinces.*

Salary of Secretary of State for the Provinces.....	5,000 00		
Do of Under Secretary.....	2,600 00		
Do of Chief Clerk.....	1,610 00		
Do of 2 Clerks at \$1,400 each.....	2,800 00		

DETAILED ESTIMATES, &c.—Continued.

	SPECIAL ACCTS.		ESTIMATES.		TOTAL.		GRAND TOTAL.	
	\$	cts.	\$	cts.	\$	cts.	\$	cts.
<b>SERVICES.</b>								
<b>CIVIL GOVERNMENT.—Continued.</b>								
<i>Department of Secretary of State for the Province.—Continued.</i>								
Salary of 1 Clerk, 6 months .....			385	00				
Do of 1 Messenger .....			495	60				
Do of Secretary to Board of Examiners .....			200	00				
					13,070	00		13,070
<i>Department of Finance.</i>								
Salary of Minister of Finance .....			5,000	00				
Do of Deputy Inspector General .....			2,600	00				
Do of Chief Clerk and Book-keeper .....			2,000	00				
Do of Book-keeper .....			1,800	00				
Do of Warrant Clerk .....			1,600	00				
Do of Book-keeper .....			1,600	00				
Do of 2 Clerks at \$1,400 each .....			2,800	00				
Do of 2 do \$1,200 do .....			2,400	00				
Do of 1 do .....			973	32				
Do of 1 do .....			850	00				
Do of 1 do .....			600	00				
Do of 2 do at \$500 each .....			1,000	00				
Do of 1 do 4 months .....			333	33				
Do of Office Keeper .....			500	00				
Do of Messenger .....			450	00				
					24,336	65		24,336
<i>Audit Branch.</i>								
Salary of Auditor .....			2,600	00				
Do of Assistant Auditor .....			2,400	00				
Do of 1st Book-keeper .....			1,600	00				
Do of 2nd do .....			1,600	00				
Do of 1 Clerk .....			1,360	00				
Do of 2 do at \$1,240 each .....			2,480	00				
Do of 1 do .....			1,200	00				
Do of Messenger .....			600	00				
			450	00				
					14,290	00		14,290



DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$	cts.		
<b>CIVIL GOVERNMENT.—Continued.</b>					
<i>Department of Public Works.—Continue 1.</i>					
Salary of Secretary .....					
Do of Chief Engineer .....		1,300 00			
Do of Architect .....		8,240 00			
Do of Assistant Engineer .....		1,800 00			
Do of Book-keeper .....		2,400 00			
Do of Assistant do .....		1,610 00			
Do of do do 4 months .....		1,400 00			
Do of Paymaster .....		466 66			
Do of 1 Clerk .....		1,530 00			
Do of 1 do .....		1,400 00			
Do of 1 do .....		1,100 00			
Do of 1 do .....		900 00			
Do of 1 do .....		800 00			
Do of 1 do .....		732 00			
Do of 1 do 8 months .....		486 00			
Do of House Keeper and Messenger .....		500 00			
Do of 2 Messengers @ \$460 each .....		900 00			
			28,601 66		28,601 66
<i>Engineer Branch.</i>					
Salary of Draughtsman and Engineer, in part .....		\$840 00			
Do of 1 Engineer .....		1,280 00			
Do of 1 Draughtsman .....		1,098 00			
Do of 1 do .....		1,040 00			
Do of 2 do at \$9.0 each .....		1,800 00			
Do of 1 Draughtsman .....		915 06			
Do of 1 Clerk .....		1,060 00			
Do of 2 do at \$732 each .....		1,464 00			
Do of 1 Messenger .....		450 00			
* The balance, viz: \$810 is chargeable to Railway Inspection Fund.			9,947 00		9,947 00
<i>Department of Post Office.</i>					
Salary of Postmaster General .....		5,000 00			

Do of Deputy do .....	2,600 00			
Do of Accountant .....	2,000 00			
Do of Secretary .....	1,800 00			
Do of Cashier .....	1,600 00			
Do of Superintendent Money Order Office .....	2,200 00			
Do of 4 Clerks at \$1,400 each .....	5,600 00			
Do of 1 do .....	1,320 00			
Do of 1 do .....	1,280 00			
Do of 2 do at \$1,100 each .....	2,200 00			
Do of 4 do at \$980 each .....	3,920 00			
Do of 2 do at \$900 each .....	1,800 00			
Do of 2 do at \$760 each .....	1,520 00			
Do of 4 do at \$680 each .....	2,720 00			
Do of 5 do at \$500 each .....	2,500 00			
Do of 1 do 6 months .....	510 00			
Do of 3 do at \$250 .....	750 00			
Do of 1 do 6 months .....	600 00			
Do of 1 do 5 months .....	375 00			
Do of 1 do 4 months .....	200 00			
Do of 1 do 4 months .....	466 67			
Do of 2 do 4 months, \$106.66 each .....	833 32			
Do of Messenger .....	500 00			
<i>Department of Agriculture, Statistics, and Emigration.</i>				
Salary of Minister of Agriculture .....	5,000 00			
Do of Deputy do .....	2,600 00			
Do of Patent Clerk .....	1,240 00			
Do of 2 Clerks at \$1,020 each .....	2,040 00			
Do of 2 do at \$1,000 each .....	2,000 00			
Do of 1 do .....	900 00			
Do of 1 do 4 months .....	300 00			
Do of Model Keeper .....	730 00			
Do of 2 Clerks at \$720 each .....	1,440 00			
Do of House Keeper .....	500 00			
Do of Model Repairer .....	450 00			
Do of 2 Messengers at \$450 each .....	900 00			
Do of 1 do .....	366 00			
<i>Department of Marine and Fisheries.</i>				
Salary of Minister of Marine and Fisheries .....	5,000 00			
Do of Deputy, 7 1/2 months, at \$2,600 a year .....	1,610 85			
Do of Superintendent of Fisheries, \$1,600 a year .....	1,600 00			
Do of First Clerk, Marine Branch, 3 months 5 days at \$1,400 a year .....	952 72			
		45,384 99		45,384 99
			18,466 00	18,466 00



DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.				Grand Total.	
	Special Acts.	Estimates.	Total.			
	\$	cts.	\$	cts.	\$	cts.
<b>CIVIL GOVERNMENT.—Continued.</b>						
<i>Department of Marine and Fisheries —Continued.</i>						
Salary of Accountant, 7 months and 10 days at \$1 400 a year.....						
Do of Draughtsmen and Translator.....		855 54				
Do of 1 Second Class Clerk, 10½ months at \$1,000 a year.....		1,100 00				
Do of 1 do do 1 year at \$730.....		880 61				
Do of 1 Third Class Clerk, 5 months at \$500.....		730 00				
Do of 1 do do 5 do.....		208 34				
Do of Inspector of Fisheries for the Provinces of New Brunswick and Nova Scotia, 11 months at \$1,400.....		1,283 34				
Do of 1 Messenger, 9 months at \$450.....		337 50				
Do of 1 do 5 do.....		187 50				
Do of House Keeper, 4 months at \$400.....		133 33				
			15,068 07		15,068 07	
CIVIL GOVERNMENT, NOVA SCOTIA.						
Salaries and contingencies of Finance Department.....						
Do Public Works.....		8,000 00				
Do Marine and Fisheries.....		2,000 00				
		1,500 00				
			11,500 00		11,500 00	
CIVIL GOVERNMENT, NEW BRUNSWICK.						
Salaries and Contingencies of Finance Department.....						
Do Marine and Fisheries.....		8,000 00				
		2,725 00				
			5,725 00		5,725 00	
CONTINGENCIES OF THE DEPARTMENTS AND DEPARTMENTAL BUILDINGS.						
Secretary of State for Canada proper.....		\$12,000 00				
Do Registry Branch.....		4,000 00				
Do Indian Lands Branch.....		4,000 00				
Do Ordnance Lands Branch.....		5,000 00				
Bureau of Agriculture.....		25,000 00				
Receiver General, including New Brunswick and Nova Scotia.....		16,000 00				
Secretary of State for the Provinces.....		10,000 00				
		4,000 00				



DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.						Grand Total.
	Special Acts.		Estimates.		Total.		
	\$	cts.	\$	cts.	\$	cts.	
<b>ADMINISTRATION OF JUSTICE.—Continued.</b>							
<i>Law Fee Fund.</i>							
Salaries of Judges of County Courts and Contingencies.....	Con. Stat. U. C., c. 15 ...	97,500 00	.....	.....	.....	97,500 00	.....
<i>Miscellaneous Justice.</i>							
Salary of Judge, District of Algoma .....	" 128	2,000 00	.....	.....	.....	2,000 00	.....
<b>PROVINCE OF QUEREC.</b>							
<i>Court of Queen's Bench.</i>							
One Chief Justice.....	Con. St. c. 10	5,000 00	.....	.....	.....	5,000 00	.....
Four Puisné Judges, \$4,000 each.....	" 10	16,000 00	.....	.....	.....	21,000 00	.....
<i>Superior Court.</i>							
One Chief Justice.....	Con. St., c. 78	5,000 00	.....	.....	.....	5,000 00	.....
Seven Puisné Judges at \$4,000 each.....	" 78	28,000 00	.....	.....	.....	33,000 00	.....
Seven do .....	" 78	28,400 00	.....	.....	.....	56,400 00	.....
Three do .....	" 78	8,400 00	.....	.....	.....	64,800 00	.....
<i>Court of Vice Admiralty.</i>							
One Judge.....	Con. Stat. 93	2,000 00	.....	.....	.....	2,000 00	.....
Registrar.....	"	686 68	.....	.....	.....	2,686 68	.....
Marshal.....	" 10	333 34	.....	.....	.....	3,020 02	.....
Circuit allowances and contingent expenses .....			.....	12,000 00	.....	15,020 02	.....
<b>NOVA SCOTIA.</b>							
Salary of Chief Justice.....	Rev. Stat. 3rd Series, Cap. 36, Sec. 1...	3,200 00	.....	.....	.....	3,200 00	.....



DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$	cts.		
<b>S E R V I C E S.</b>					
<b>PENITENTIARIES.—Continued.</b>					
<i>Kingston.—Continued.</i>					
Salary of 63 permanent guards .....			27,200 00		
Do of 19 supernumerary guards .....			6,080 00		
Do of Matrons and other persons .....			9,682 50		
				52,977 50	
<i>Provisions and Fuel.</i>					
250,000 rations at 12½ cents .....			40,000 00		
Wood, coal, and charcoal .....			7,165 00		
Kitchen furniture .....			728 50		
Clothing and bedding .....			19,770 00		
Coal oil, candles and soap .....			461 00		
Stable .....			1,883 90		
Library .....			300 00		
Hospital .....			1,350 00		
Stationery .....			600 00		
				72,958 40	
<i>Extraordinary Expenditure:—</i>					
Lumber .....			2,902 50		
Stone .....			938 86		
Hardware .....			1,484 00		
				4,625 36	
<i>Rockwood Asylum Buildings.</i>					
Salaries of Warden, architects, keepers and guards .....			6,530 00		
<i>Building Materials:—</i>					
Skilled labor, tools, &c. ....			21,120 66		
Rockwood Asylum, Maintenance—					
Salaries .....			3,826 00		
Clothing, bedding, shoes .....			4,268 00		
				27,650 66	
					130,561 26



DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$	cts.		
<b>SERVICE.</b>					
<b>LEGISLATION.—Continued.</b>					
<b>SENATE—Continued.</b>					
Salary of 2 Messengers, \$500 each .....					
Indemnity to Members 1st part 1st Session, 72 Members, 46 days at \$8 a day .....	Act 31 V. c. 3.	1,000 00		33,035 00	36,235 00
Mileages to and from Seat of Government, 140,912 miles at 10 cents .....	do		19,872 80		
Indemnity to Members, 2nd part of 1st Session, 73 Members .....	do		14,091 20		
Mileage to and from the Seat of Government .....	do		43,200 00		
			14,091 20		91,254 40
<b>Contingent Expenses.</b>					
Six Sessional Messengers, \$380 each .....			2,280 00		
One do do \$300 .....			300 00		
Four pages, 120 days each \$1.50 a day .....			720 00		
One porter, 120 do do do .....			180 00		
Charwomen, 12 months, \$120 a month .....			1,440 00		
Fuel—Wood .....			4,500 00		
Coal .....			500 00		
Engineer and Assistants .....			1,178 00		
Gas .....			2,000 00		
Stationery imported from Scotland .....			4,000 00		
Subscription to Newspapers, Foreign and Domestic .....			4,000 00		
Carpentry Work, \$100 a month .....			1,200 00		
Sessional Printer, Journals, Bills, &c .....			3,600 00		
Binding and Stationery .....			1,247 31		
Queen's Printer for Gazette .....			290 82		
Night Watchmen, 4 at \$1.50 each .....			2,190 00		
Postage .....			1,000 00		
Sundry Tradesmen's Accounts .....			4,000 00		
Michael Keating, 12 months house rent in lieu of quarters in Parliament Building .....			150 00		
Insurance on Library, &c .....			647 50		
			35,423 62		35,423 62
					102,913 03





DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.		Grand Total.
	Special Acts.	Estimates.	
	\$ cts.	\$ cts.	\$ cts.
<b>LEGISLATION.—Continued.</b>			
<b>HOUSE OF COMMONS.—Continued.</b>			
<i>Extra Service, viz :</i>			
One Speaker's Secretary at \$5 a day, 207 days including recess.....	.....	1,035 00	
Four extra Clerks at \$4 a day, do .....	.....	3,312 00	
Twenty do at \$4 a day, 125 days.....	.....	10,000 00	
		14,347 00	
<i>Sessional Extra Messengers.</i>			
Sixteen Sessional Messengers at \$300 a Session .....	.....	4,800 00	
Four Sessional Messengers at \$250 a Session.....	.....	1,000 00	
One principal page at \$300 a Session .....	.....	300 00	
Two pages do .....	.....	500 00	
Eight do .....	.....	1,600 00	
Twenty-two extra Messengers at \$2 a day for 125 days.....	.....	5,500 00	
		13,700 00	
Engineers and Laborers, 10 in number.....	.....	2,200 00	
Expenses of Committees.....	.....	1,000 00	
Printing, Printing paper and book-binding.....	.....	40,000 00	
Stationery .....	.....	6,500 00	
Postage and Telegraphs.....	.....	5,000 00	
Water, Fuel and Gas.....	.....	13,000 00	
Insurance on Library, Furniture, &c .....	.....	2,000 00	
Newspapers and advertising .....	.....	4,000 00	
Tradesmen.....	.....	6,000 00	
Pension.....	.....	840 00	
Miscellaneous .....	.....	7,093 00	
		87,633 00	
<i>Expenses of Elections.</i>			
Province of Ontario and Quebec.....	.....	45,000 00	
Do of Nova Scotia.....	.....	114 00	
Do of New Brunswick .....	.....	6,000 00	
		51,114 00	
		909 82	
		52,023 82	
		115,680 00	
		45,000 00	
		1,023 82	
		6,000 00	
		388,790 00	



DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>S E R V I C E.</b>						
<b>ARTS, AGRICULTURE AND STATISTICS.—Continued.</b>						
REGISTRATION DEPARTMENT.—Continued.						
Fees to Clergymen for marriage returns .....			200 00			
Extra work, preparing Report .....			200 00			
Printing blanks, stationery, advertising and other contingencies.....			600 00	5,185 00		
For Prothonotaries and Clerks of Circuit Courts, Province of Quebec, for returns of Marriages, Baptisms and Burials .....				650 00		
<b>IMMIGRATION AND QUARANTINE.</b>				5,835 00	7,835 00	
For Salaries of Emigration Agents and Employés of the Dominion .....			12,500 00			
For help and transportation of Emigrants .....			15,000 00			
For expense of the Quarantine at Grosse Isle .....			16,000 00			
For do of do at St. John, New-Brunswick. ....			4,000 00			
For do of do at Halifax, N.S. ....			3,000 00			
For salaries of Medical inspecting Port Physicians at Quebec.....			2,500 00			
For rent, extra services, travelling expenses and contingencies of all sorts ..			7,000 00	60,000 00	60,000 00	
<b>HOSPITALS AND CHARITIES.</b>						
Marine and Emigrant Hospital at Quebec—						
Salary of four Trustees.....			2,400 00			
Do of two Chaplains .....			288 00			
Do of Secretary-Treasurer .....			600 00			
Do of House Surgeon.....			800 00			
Do of Apothecary.....			520 00			
Do of Matron.....			300 00			
Orderlies, Nurses, &c.....			1,032 00			
Provisions .....			6,000 00			
Medicines and Medical comforts .....			1,300 00			
Fuel .....			1,800 00			
Lighting and gas fixtures .....			800 00			
Washing and water.....			1,400 00			

Placing illegitimate children .....	400 00				
Bedding and clothing .....	800 00				
Furniture and cabinet ware .....	1,100 00				
Tinsmithing and blacksmithing .....	400 00				
Water closets .....	500 00				
Advertising, printing and stationery .....	200 00				
Allocations .....	408 00				
Assurances .....	270 00				
Burdies .....	580 00				
		21,958 00			21,958 00
<b>MARINE HOSPITAL, ST. JOHN.</b>					
<i>New Brunswick.</i>					
Salaries and maintenance .....	4,878 00				
Do at St. Andrews and other ports .....	2,490 00				
Salaries and maintenance .....	1,632 00				
Unforeseen .....		9,000 00			9,000 00
		5,000 00			5,000 00
<i>Nova Scotia.</i>					
For maintenance of sick and disabled seamen sent to General Hospital.....					
<i>Shipwrecked and Distressed Seamen.</i>					
For Quebec .....	600 00				
For New Brunswick .....	200 00				
For Nova Scotia .....	500 00				
Expenses of Superintendence at Halifax .....	200 00				
		1,500 00			1,500 00
<b>HUMANE ESTABLISHMENTS.</b>					
<i>Nova Scotia.</i>					
Eable Island, \$10,000, less \$2,000 paid by Great Britain .....					
For this service on Seal Island .....					
		8,000 00			
		120 00			
		8,120 00			8,120 00
<i>Arrears of Grants in aid for six months to the following Hospitals.</i>					
Toronto Hospital .....	3,200 00				
Do for County Patients .....	2,400 00				
Toronto House of Industry .....	1,200 00				
Protestant Orphans' Home and Female Aid Society .....	320 00				
Magdalen Asylum .....	240 00				
Roman Catholic Orphan Asylum .....	320 00				
Lying-in Hospital .....	240 00				
Girls' Home and Public Nursery .....	160 00				
House of Providence .....	160 00				

DETAILED ESTIMATES, &c.—Continued.

	SPECIAL ACTS.		ESTIMATES.		TOTAL.		GRAND TOTAL.		
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	
<b>SERVICES.</b>									
<b>HOSPITALS AND CHARITIES.—Continued.</b>									
<b>HUMANE ESTABLISHMENTS.—Continued.</b>									
Hospice de la Maternité.....									
Charitable Ladies' Association of R. C. Orphan Asylum.....									
Asylum of the Good Shepherd.....									
Managers of the Protestant Female Orphan Asylum.....									
Finlay Asylum.....									
Male Orphan Asylum.....									
St. Bridget's Asylum.....									
Ladies' Protestant Home.....									
Canada Military Asylum for Widows and Orphans.....									
Indigent Sick.....									
General Hospital des Sœurs de la Charité.....									
Corporation of General Hospital.....									
St. Patrick's Hospital.....									
Sœurs de la Providence.....									
Bonaventure Street Asylum.....									
Nazareth Asylum for the Blind, and for destitute children.....									
St. Patrick's R. C. Orphan Asylum.....									
Protestant Orphan Asylum.....									
House of Refuge.....									
Ladies' Benevolent Society for Widows and Orphans.....									
University Lying-in Hospital.....									
Lying-in Hospital under care of Sœurs de la Miséricorde.....									
Deaf and Dumb Asylum.....									
Roman Catholic Orphan Asylum.....									
Magdalen Asylum, Ladies of Bon Pasteur.....									
Montreal Dispensary.....									
Montreal Home and School of Industry.....									
St. Vincent de Paul Asylum.....									
Kingston General Hospital.....									
House of Industry and Refuge for Indigent Sick.....									
Hôtel-Dieu Hospital.....									
Orphans' Home.....									

Deaf and Dumb Institution for Upper Canada.....Hamilton.....	1,500 00			
Hamilton Hospital.....do.....	2,400 00			
Orphan Asylum and Ladies' Benevolent Society.....do.....	320 00			
Roman Catholic Asylum.....do.....	320 00			
London Hospital.....London.....	1,200 00			
Protestant Hospital.....Ottawa.....	600 00			
Roman Catholic Hospital.....do.....	600 00			
St. Hyacinthe Hospital, St. Hyacinthe.....	160 00			
General Hospital, District Richelieu, Sorel.....	160 00			
Indigent Sick, Three Rivers.....	1,120 00			
do Quebec.....	1,600 00			
		33,885 00		33,885 00
<b>MILITIA.</b>				
<b>DEPARTMENTAL SALARIES.</b>				
Adjutant General.....	3,000 00			
Private Secretary to Adjutant General.....	1,200 00			
Deputy Adjutant General, Ontario.....	2,240 00			
do Quebec.....	2,240 00			
2 Assistant Adjutants General, Ontario, at \$1,600 each.....	3,200 00			
Do Quebec, do.....	3,200 00			
2 Deputy Assistant Adjutants General, Ontario, at \$1,200 each.....	2,400 00			
Do do Quebec, do.....	2,400 00			
Superintendent of Military Schools.....	1,200 00			
Provincial Aide de Camp.....	1,840 00			
Provincial Medical Officer.....	800 00			
Senior Clerk.....	1,400 00			
1 Clerk.....	1,200 00			
1 do.....	1,100 00			
1 do.....	660 00			
1 do.....	600 00			
1 do.....	1,400 00			
2 do at \$750 each.....	1,500 00			
1 Messenger.....	500 00			
1 do.....	400 00			
		31,940 00		31,940 00
Contingent expenses; for Stationery, Printing, Inspecting and repairing Arms and Accoutrements, transport of all Government Stores, and all other incidental expenses of the Militia.....	38,000 00			
Compensation for accidents or injuries at Drill.....	2,000 00			
Ammunition—Blank—for the new Snider-Enfields, 900,000 rounds.....	13,500 00			
Do Ball and blank for the 6 Field Batteries.....	4,000 00			
Targets—Iron, for the Dominion, 370, at \$27 each.....	10,000 00			
Drill Sheds and Rifle Ranges.....	100,000 00			
Improved Fire Arms.....	48,000 00			
Military Schools.....	100,000 00			

79,463 00

33,885 00

31,940 00

31,940 00

31,940 00

DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$	cts.		
<b>S E R V I C E .</b>					
<b>M I L I T I A .—Continued.</b>					
<b>DEPARTMENTAL SALARIES.—Continued.</b>					
Public Armouries, pay of Store-keepers, Sergeant-Majors of Field Batteries, caretakers and Storemen of Armouries, rent of Armouries, allowance for care of Arms, and Fuel and Light for the several buildings.....			35,000 00		
Clothing.....			60,000 00		
Brigade Majors.....			18,000 00		
Efficient Volunteer Corps.....			5,000 00		
Drill Instructors.....			40,000 00		
Clothing Allowance.....			2,500 00		
Annual Drill Pay, 25,000 men at \$8, being for 16 days, at 50 cents each.....			200,000 00		
1,500 horses, Mounted Corps, at \$12, being for 16 days, at 75 cents each.....			18,000 00		
General Service of the Militia, including the balance of drill pay for 1866-67, the expense of a Military Survey, and the pay at the rate of \$600 a year, of the seven District Paymasters and the six District Quartermasters, on the Temporary Staff in the several Districts.....			20,000 00	709,000 00	709,000 00
<b>N O V A S C O T I A .</b>					
For Militia Services under the existing law, including \$41,000 for Stores and Equipments.....				140,000 00	140,000 00
<b>N E W B R U N S W I C K .</b>					
For Militia Services under the existing law, including \$15,500 for Stores.....				80,000 00	80,000 00
<b>M i s c e l l a n e o u s .</b>					
Pay of Volunteers for Dominion Day Review.....			18,000 00		
To cover the payment for Stores furnished by the Imperial Government before the 1st July, 1867.....			180,000 00		
To pay for Barrack fittings made by the Royal Engineers.....			120,000 00		
For Barrack accommodation, including Rents, Insurance and fittings made by the Dominion.....			80,000 00		

For 3,000,000 rounds of Ball Ammunition for the new Snider-Enfields. Military Survey, expense completing the late survey of the Province of Canada .....					72,000 00	472,607 00	472,607 00
Gun-boat Service.....					2,607 00	25,000 00	25,000 00
							1,458,547 00
<b>PENSIONS.</b>							
53 C. D. Day, late Judge, Superior Court, L.C.....	C. S., c. 10...	2,666 64					
J. S. Bruncau, do .....		2,133 32					
Jane Livingston.....		222 20					
Sophia Shaw, for family of late Major General Shaw .....		444 40					
James Nation.....		500 00					
Harrlet McNab.....		200 00					
Sarah Usher.....		400 00					
R. H. Thornhill .....		500 00					
P. S. Panet.....		888 84					
Julie H. Bédard.....		500 00					
R. A. Tucker.....		1,200 00					
Geo. H. Ryland, late Clerk, Executive Council.....		444 40					
G. H. Ryland, late Secretary to Board Jesuits Estates.....		200 00					10,299 80
57 Saml. Waller, late Clerk House of Assembly.....			400 00				
L. Gagné, Messenger do .....			72 00				
John Bright, do .....			80 00				
Mrs. Antrobus .....			800 00				
P. Bouchard, for wounds received .....			100 00			1,452 80	1,452 00
W. H. Blake, late Chancellor .....	C. St., U. C., cap. 12.....						
Mrs. Vallière de St. Réal.....	Act. 10 and 11 V., cap. 36.	3,333 32					
		800 00					4,133 32
<i>Militia Pensions, Old.</i>							
For Widows and Militiamen, U. C.....	C. St., U. C., cap. 6 .....	11,300 00				11,300 00	
Do do L. C.....	Act 55 Geo. 3, cap. 10..	3,600 00				3,600 00	
Compensation to Pensioners in lieu of land.....						9,450 00	24,350 00
<i>New Militia Pensions.</i>							
Mrs. Caroline McEachern and 5 children.....			319 00				
Jane Lakey.....			146 00				
Rhoda Smith.....			110 00				
Janet Alderson .....			110 00				
Mary McKenzie.....			80 00				



DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.		
	Special Acts.		Estimates.			Total.	
	\$	cts.	\$	cts.		\$	cts.
<b>S E R V I C E S .</b>							
<b>PENSIONS.—Continued.</b>							
<i>New Militia Pensions.—Continued.</i>							
Mary A. Richey and 3 children .....			192 00				
Mary Morrison .....			80 00				
Louise Prudhomme and 2 children.....			130 00				
Virginie Charbon and 4 .....			37 50				
Paul M. Robins .....			146 00				
Chs. Thor. Bell .....			78 00				
A. M. Oliphant .....			109 50				
Charles Lugden .....			91 24				
John White .....			109 50				
Thos. Charters .....			91 24				
Samuel McCrag .....			109 50				
Chas. Thos. Robertson .....			110 00				
Percy Gore Routh .....			400 00				
Richard Launders King .....			400 00				
Geo. Allen McKenzie .....			73 00				
Edwin Hilder .....			148 00				
Fergus Schofield .....			73 00				
John Bradley .....			109 50				
Richd. Pentecost .....			91 24				
John Cole .....			109 50				
Geo. Prentice .....			400 00				
George Elliott .....			73 00				
James Bryaz .....			109 50				
Jacob Simbs .....			73 00				
Mary D. Connor .....			110 00				
Mary Hodgins and 3 children.....			191 00				
John Martin .....			110 00				
Gratuities .....			500 00				
Additional claims before Council for Pensions .....				5,013 22			
Do for gratuities and medical attendance .....					8,500 00		
						13,513 22	

<i>Pensions—Nova Scotia.</i>								
Judge Sayers.....	Acts of N.S., 1865, c. 21.	1,200 00						
Judge Marshall.....	.....	1,200 00						
John Spry Morris.....	.....	1,200 00						
H. W. Crawley.....	.....	1,200 00						4,800 00
<i>Pensions—New Brunswick.</i>								
Military Pensions.....	.....		700 00					700 00
<b>OCEAN AND RIVER STEAM SERVICE.</b>								
One year Postal Subsidy to Mr. H. Allan.....	Act 27 and 23 V., cap. 11	218,000 00						
Tug Service between Montreal and Kingston.....	.....		12,100 00					218,000 00
<i>Steamers belonging to the Dominion.</i>								
Provincial Steamers.....	.....							
Nova Scotia, contract for repairs of Steamer "Druid"	.....	4,500 00						75,000 00
Boilers and flooring plates.....	.....	570 00						
Steam pump.....	.....	1,500 00						
Cost of repairs of hull, machinery, boats.....	.....	3,430 00						
Maintenance, fuel, oil, light, Str. "Druid"	.....	6,000 00						10,000 00
Wages of master and crew.....	.....	4,000 00						
Nova Scotia—maintenance of the "Daring," since lost, and charter of Schooner "Piscator".....	.....							10,000 00
<i>Steam Communication—Nova Scotia.</i>								
Between Pictou, Prince Edward's Island and Port Hood.....	.....	1,600 00						
Between Windsor, St. John, Digby and Annapolis.....	.....	4,000 00						
Between Halifax and Newfoundland, calling at Sydney.....	.....	1,500 00						
Between Pictou and the Magdalen Islands.....	.....	400 00						
<i>New Brunswick.</i>								
Between New Brunswick and Prince Edward's Island.....	.....	1,000 00						
Between Quebec and the Maritime Provinces.....	.....	15,000 00						
<b>LIGHT HOUSES, AND COAST SERVICE.</b>								
<i>TRINITY HOUSE, QUEBEC.</i>								
Salaries of 21 Light Keepers.....	.....							11,800 00
Oil and fuel.....	.....							5,051 00
			23,500 00					136,600 00
								354,600 00

59,248 34

4,800 00

700 00

218,000 00

12,100 00

75,000 00

570 00

1,500 00

3,430 00

6,000 00

4,000 00

10,000 00

6,000 00

1,600 00

4,000 00

1,500 00

400 00

1,000 00

15,000 00

23,500 00

11,800 00

5,051 00

136,600 00

354,600 00

DETAILED ESTIMATES, &c.—Continued.

S E R V I C E.	A U T H O R I T I E S.				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$	cts.		
LIGHT HOUSES AND COAST SERVICE.—Continued.					
TRINITY HOUSE, QUEBEC.—Continued.					
Repairs.....			5,936	00	
New Buoys and Chains, and repairs.....			2,080	00	
Harbour of Gaspe.					
Salary of Harbour Master \$125, new buoys, repairs, wages.....			557	00	
Magdalen Islands.					
Salary of Harbour Master .....			50	00	
Harbour Master's Office.					
Salary of Clerk, \$800, printing, wages to boat's crew, clothing.....			1,905	00	
Contingencies.					
Rent of Trinity Hall and Office.....			800	00	
Assistant Clerk.....			1,200	00	
Postage, Fuel, Newspapers and Solicitors' fees.....			800	00	
Messenger and House Keeper.....			380	00	
Treasurer Assistant.....			310	00	
Extra Writer.....			80	00	
Assessment on Rent, Water tax and stationery.....			190	00	
Printing and Advertising.....			600	00	
Indexing Journals.....			20	00	
Depots of Provisions.					
For supplies.....			1,000	00	
Salaries of Keepers.....			440	00	

<i>New Deacons.</i>					
Whitewashing, repairing, coeprage, cartage, oil, &c.....			1,600 00		
<i>Trinity House Officials.</i>					
Salary of Master.....			1,200 00		
do of Harbour Master.....			1,340 00		
do of 2 Superintendents of Pilots.....			2,400 00		
do of Treasurer.....			1,610 00		
do of Clerk.....			1,440 00		
do of Bailiff.....			750 00		
<i>Signal Guns.</i>					
Cost of ammunition for signal guns.....			2,700 00		46,739 00
<i>TRINITY HOUSE, MONTREAL.</i>					
Salaries of Trinity House Officers, Light house Keepers and Contingencies					26,000 00
<i>Maintenance of Lights in</i>					
<i>ONTARIO AND QUEBEC.</i>					
Salaries of Light house Keepers, supplies and their delivery, repairs, advertising.....			43,000 00		
Cape Race Light.....		Act 20 Vic,			
		cap. 10.....	1,000 00		
Guides to Travellers on the Kempt Road.....			400 00		1,000 00
<i>NEW BRUNSWICK.</i>					
Salaries of 16 Light house Keepers.....			6,098 00		
Oil and other supplies.....			7,052 00		
Repairs.....			3,850 00		
<i>NOVA SCOTIA.</i>					
Salaries of 62 Keepers of Light houses, including Fog Trumpets and Fog Bells at St. Pauls.....			23,486 00		
Supplies, repairs and other contingencies.....			22,067 00		
Cost of dwellings for keepers with fuel and other allowances.....			4,447 00		
<i>Buoys and Beacons.</i>					
<i>NEW BRUNSWICK.</i>					
Maintenance .....			3,500 00		

DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>SERVICE.</b>						
<b>LIGHT HOUSES AND COAST SERVICE—Continued.</b>						
<i>Buoys and Beacons—Continued.</i>						
NOVA SCOTIA.						
<i>Signal Stations.</i>						
Halifax Harbour, N.S.....			1,200 00			
St. John, N. B.....			1,000 00			
			100 00			
			116,200 00		188,939 00	
<b>PUBLIC WORKS AND BUILDINGS.</b>						
NOVA SCOTIA.						
Towards the construction of the Railway between Halifax, Truro and Windsor and between Truro and Pictou, viz:—						
Amount paid for work executed.....			154,500 00			
To pay for work chargeable to construction either completed or ordered..			117,000 00			
For new works required consisting of car shop, siding and completion of wharf at Richmond.....			9,000 00			
Amount paid to the Halifax and Pictou Line.....			200,000 00			
Windsor and Annapolis Railway, paid to Contractors .....			300,000 00			
			780,500 00		780,500 00	
NEW BRUNSWICK.						
For work chargeable to construction on account of European and N. A. Railway.....			31,750 00			
To meet Western Extension Stock.....			180,000 00			
do Subsidy.....			150,000 00			
do do.....			141,000 00			
Other Subsidies as per Act 27 Vic, chap. 3.....					502,750 00	
<b>CANALS.</b>						
St. Peter's Canal, Nova Scotia.....			44,805 31			
					189,939 00	

Welland Canal: towards deepening to Lake Erie level, estimated cost, \$80,000.....	10,000 00								
Cornwall Canal; towards the construction of works for regulating the supply of water.....	5,000 00								
Carillon and Grenville Canals; to pay for works executed and ordered.....	22,500 00								
Rideau Canal.....	10,000 00								
Newcastle District and River Treat.....	3,000 00								
HARBOURS, LAKE HURON.....		85,305 31							95,305 31
		8,000 00							8,000 00
PIER: DIGBY, Nova Scotia, towards building thereof.....		3,000 00							3,000 00
SLIDES AND BOOMS.....		10,000 00							10,000 00
PUBLIC BUILDINGS.									
Parliament and Departmental Buildings, Ottawa.....	100,000 00								
Rideau Hall, for the purchase of Rideau Hall Estate.....									
For purchase of furniture.....									
Other items.....									
Montreal Post Office.....	122,000 00								
Custom House, Quebec.....	4,000 00								
	4,000 00								
Towards the location of Intercolonial Railway.....									
Miscellaneous charges in respect to Public Works not otherwise provided for.....									
Surveys and Inspections.....									
		230,000 00							230,000 00
		50,000 00							50,000 00
		10,000 00							10,000 00
		7,000 00							7,000 00
LIGHT HOUSES.									
Pointe St. Laurent.....									
Georgian Bay.....	11,500 00								
Nine-Mile Point Kingston.....	3,000 00								
Towards construction of New Beacon Light at entrance of St. John Harbour,.....	600 00								
Construction of temporary do.....	5,000 00								
For purchase of land and construction of Hospital for a Quarantine Station at Halifax.....	3,500 00								
		8,500 00							23,600 00
		10,000 00							10,000 00
ROADS AND BRIDGES.									
Temiscouata Roads.....	500 00								
Metepedia and Restigouche Road.....	4,000 00								
		15,500 00							15,500 00







DETAILED ESTIMATES, &c.—Continued.

S E R V I C E .	A U T H O R I T I E S .				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$	cts.		
INDIANS.					
Albert Anthony .....	Act 23 Vic. cap. 15L.	23	88		
Abenakis of St. Francis .....	.....	1	20		
Bachiwans, Indians .....	.....	127	14		
Durham, Indians .....	.....	30	52		
Iroquois of Caughnawag. ....	.....	70	30		
Industrial School Fund .....	.....	2,468	06		
Lake of Two Mountains, Indians .....	.....	23	36		
Lake Huron, Indians on Mississippi River .....	.....	9	82		
Lake St. Johns, Indians .....	.....	86	70		
Mississaguas of Skugog .....	.....	102	30		
Munsees of the Thames .....	.....	133	30		
Ojibwas of Lake Huron .....	.....	7	44		
Payments in liquidation of J. B. Clinch's deficits .....	.....	36	72		
River Desert Indians .....	.....	412	82		
Chief Telomandis and his band at Gros Cap .....	.....	55	04		
Ojibwas of Lake Superior .....	.....	1	20		
Beausoleil, Indians .....	.....	529	16		
Grand River Indians .....	.....	56	98		
Chippawas of Snake Island .....	.....	265	06		
Potawatamies of Walpole .....	.....	3	12		
Ojibwas and Ottawas of Manitoulin Islands .....	.....	297	76		
Chippawas of Saugseon .....	.....	6,132	84		
Lower Canada, Indians .....	.....	2,180	98		
Chippawas of the Thames .....	.....	1,161	52		
Wyandots of Anderton .....	.....	2,460	68		
Ile Verte Indians .....	.....	0	80		
Mississaguas of the Credit .....	.....	3,846	80		
Iroquois of St. Regis .....	.....	1,801	94		
William Wabnook .....	.....	101	90		
James Manace .....	.....	76	44		
Nancy Metville .....	.....	127	38		
Mohawks of Bay Quinte .....	.....	3,140	62		
Six Nations of the Grand River .....	.....	46,441	88		
Chippawas of Walpole Island .....	.....	271	28		



DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$ cts.	\$ cts.		
<b>S E R V I C E.</b>					
<b>COLLECTION AND MANAGEMENT OF REVENUE.</b>					
<b>CUSTOMS (exclusive of Duties Refunded.)</b>					
<b>ONTARIO.</b>					
Salaries of permanent officers at fifty-three Ports.....		142,630 00			
Contingencies, including pay of Tidewaiters and others, paid per diem.....		19,100 00	161,730 00		
<b>QUEBEC.</b>					
Salaries of permanent officers at eighteen Ports.....		102,456 00			
Contingencies, including pay of Tidewaiters and others, paid per diem.....		73,175 00	175,631 00		
Salary of Inspector of Ports, Ontario and Quebec.....		2,000 00			
Contingencies, travelling expenses.....		1,000 00	3,000 00		
<b>NOVA SCOTIA.</b>					
Salaries of permanent officers and others, paid per diem, at 76 Ports.....		78,275 00			
Contingencies of the Port of Halifax.....		4,000 00			
do of the outports.....		1,000 00			
Inspecting of Ports, Nova Scotia, and special services and contingencies.....			83,275 00		
			2,400 00	85,675 00	
<b>NEW BRUNSWICK.</b>					
Salaries of permanent officers and others, paid per diem, at 31 Ports.....		55,825 00			
Contingencies of the Port of St. John.....		3,000 00			
do of the outports.....		1,000 00			
Inspecting of Ports, New Brunswick, and special services and contingencies.....			59,825 00		
			2,400 00	62,225 00	
<i>Contingencies of the Service generally.</i>					
Printing Books and blank Forms and Stationery.....		25,000 00			
Advertising and subscription to Newspapers.....		3,500 00			

INLAND REVENUE.		520,016 00	31,755 00	31,755 00	83,174 74	25,160 00	6,100 00	114,434 74
Postages.....	.....	500 00						
Subscription to <i>Canada Gazette</i> .....	.....	355 00						
do to New York Shipping and Commercial List.....	.....	400 00						
Other unforeseen contingencies.....	.....	2,000 00						
<b>Salaries, Montreal.</b> .....		8,000 00						
do Beauharnois.....	.....	250 00						
do St. Johns, Quebec.....	.....	300 00						
do Terrebonne.....	.....	300 00						
do Pontiac.....	.....	600 00						
do St. Hyacinthe.....	.....	600 00						
do Sherbrooke.....	.....	500 00						
do Three Rivers.....	.....	200 00						
do Athabaska.....	.....	400 00						
do Beauce.....	.....	300 00						
do Quebec.....	.....	5,000 00						
do Kamouraska.....	.....	200 00						
do Riviere du Loup.....	.....	200 00						
do Tadoussac.....	.....	200 00						
do Gaspé.....	.....	200 00						
do Windsor.....	.....	4,000 00						
do London.....	.....	2,400 00						
do Goderich.....	.....	2,000 00						
do Paris.....	.....	3,000 00						
do Guelph.....	.....	4,600 00						
do Hamilton.....	.....	4,800 00						
do St. Catharines.....	.....	3,000 00						
do Algoma.....	.....	400 00						
do Toronto.....	.....	8,000 00						
do Collingwood.....	.....	1,100 00						
do Peterborough.....	.....	800 00						
do Cobourg.....	.....	2,000 00						
do Belleville.....	.....	3,000 00						
do Kingston.....	.....	3,000 00						
do Perth.....	.....	800 00						
do Ottawa.....	.....	2,600 00						
do Prescott.....	.....	1,400 00						
do Cornwall.....	.....	1,100 00						
do Nova Scotia.....	.....	3,100 00						
do New Brunswick.....	.....	3,100 00						
do Preventive service.....	.....	2,000 00						
do District Inspectors.....	.....	7,200 00						
do Assistant Inspector of Distilleries.....	.....	1,000 00						
do Gratuity to Officers leaving the Service.....	.....	1,524 00						
do Travelling expenses, rents, fuel and stationery.....	.....							
do Survey of bonded manufactures.....	.....							



<i>Repairs.</i>								
Ontario and Quebec.....	145,000 00							
Nova Scotia to pay for rails and fastenings purchased for future repairs.....	45,245 00							
For the purchase of general stock, consisting of lumber, iron, &c .....	24,965 00							218,210 00
<i>Collection and Miscellaneous.</i>								
Expenses collecting Tolls on the Canals, viz :								
<i>ST. LAWRENCE CANALS.</i>								
Montreal—salaries and contingencies .....	8,890 26							
Lachine, do .....	1,911 79							
Beauharnois, do .....	781 79							
Cornwall, do .....	644 85							
Edwardsburgh, do .....	1,125 00							
<i>CHAMBLEY CANALS.</i>								
Chamby—salaries and contingencies .....	1,084 31							
St. Johns, do .....	755 13							
<i>LOCKS.</i>								
St. Ours—salaries and contingencies.....	407 95							
St. Ann, do .....	649 23							
<i>OTTAWA AND RIDEAU CANALS.</i>								
Carleton—contingencies .....	32 63							
Grenville, do .....	43 70							
Ottawa, do .....	17 45							
Smith's Falls, do .....	3 40							
Kingston Mills, do .....	45 67							
Burlington Bay, salary.....	500 00							
<i>WELAND CANAL.</i>								
Maitland,—salary and contingencies.....	644 17							
Dalhousie, do .....	1,116 07							
Robinson, do .....	779 50							
Colborne, do .....	2,589 05							
Danville, do .....	788 44							
St. Catharines, do .....	400 00							
Salary of Inspector of canal offices and tolls .....	1,400 00							
Travelling expenses of do .....	432 00							
Salary of Harbour Master, Presqu'ile .....	300 00							
Collecting hydraulic rents, printing, advertising and blank books.....	1,325 00							
Expenses collecting slide dues .....								26,667 49
								6,475 00

730,742 49

DETAILED ESTIMATES, &c.—Continued.

S E R V I C E .	A U T H O R I T I E S .				Grand Total.	
	Special Acts.	Estimates.		Total.		
	\$	cts.	\$	cts.	\$	cts.
<b>STAMPS.</b>						
For printing and engraving stamps .....		5,000 00				
Salaries of Officers of the Board .....	858 00			858 00		
Salary of Clerk.....		942 00				
Advertising, printing and telegrams, &c .....		500 00				
		300 00		6,742 00		7,000 00
				7,000 00		7,000 00
<b>FINES AND FORFEITURES</b> .....						
LAW SOCIETY, for services of Deputy Clerks of Crown and Pleas acting as Clerks of Assize.....						
<b>MARRIAGE LICENSES ; Printing and Postages</b> .....						
	2,000 00					2,000 00
Miscellaneous Minor Revenues .....	400 00					400 00
				6,268 00		6,268 00
<i>Canada.</i>						
Arrears of Provinces of Canada.....						\$772,955 15
Less receipts.....						548,319 64
						\$224,635 51
Whereof there is chargeable to Special Acts.....						
And to Estimates as follows, viz :						
Contingencies of Public Departments.....						12,768 59
Administration of Justice, West, viz :						
Court of Chancery.....						1,058 59
Criminal Prosecutions .....						28 00
Miscellaneous .....						4,159 35
Administration of Justice, East.....						8,691 19
						18,987 13





# ESTIMATES

FOR THE YEAR ENDING 30<sup>TH</sup> JUNE, 1869.

	\$	cts.	\$	cts.	\$	cts.
<b>CIVIL GOVERNMENT.—(Vide Det. Est., p. 3.)</b>						
1 Lieutenant Governor of Ontario.....	8,000	00				
Do           Quebec.....	8,000	00				
Do           Nova Scotia.....	7,000	00				
Do           New Brunswick.....	7,000	00				
Total Lieutenant Governors.....			30,000	00		
2 Total Salaries and Contingencies of the Departments of Civil Government, to be distributed under the provisions of the Civil Service and Contingencies Acts.....			550,000	00		
3 Total Salaries and Contingencies of the Local Branches of the several Departments of Civil Government at Halifax and St. John, to be distributed under the provisions of the Civil Service and Contingencies Acts.....			22,700	00		
Total Civil Government .....					602,700	00
<b>ADMINISTRATION OF JUSTICE.—(Vide Det. Est., p. 4.)</b>						
4 To enable additions to be made to the Salaries of certain Judges in Nova Scotia and New Brunswick, for the year 1868-9 .....			8,000	00		
5 Circuit allowances and contingent expenses, Ontario.....			13,000	00		
6           Do           do   Quebec.....			12,000	00		
7           Do           do   Nova Scotia.....			1,600	00		
8           Do           do   New Brunswick.....			2,000	00		
9 Secret and Detective Service.....			75,000	00		
10 Frontier and other Police.....			25,000	00		
11 Harbour, River and Government Police, Quebec and Montreal .....			30,000	00		
12 Miscellaneous Charges of Justice.....			10,000	00		
Total Administration of Justice.....					176,600	00
<b>PENITENTIARIES.—(Vide Det. Est., p. 7.)</b>						
13 Penitentiary, Salaries.....	52,977	50				
Maintenance .....	74,448	40				
Buildings .....	9,045	65				
			136,471	55		
14 General Lunatic Asylum, Salaries .....	3,826	00				
Maintenance.....	29,350	00				
Buildings .....	17,835	68				
			50,861	68		
15 Penitentiary, Nova Scotia .....			20,000	00		
Do           New Brunswick .....			30,000	00		
16 Directors of Penitentiaries.....			8,400	00		
Total Penitentiaries.....					245,733	23
<b>LEGISLATION.—(Vide Det. Est., p. 8.)</b>						
17 Senate, Salaries and Contingencies .....			67,533	63		
18 House of Commons, Salaries and Contingencies.....			201,490	00		
Carried forward.....			269,023	63	1,025,033	23

ESTIMATES for the year ending 30th June, 1869.—*Continued.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....			269,023	63	1,025,033	23
<b>LEGISLATION.—Continued.</b>						
19 Printing and binding Statutes.....			20,000	00		
20 Salary and Contingencies of Clerk of Crown in Chancery.....			2,120	00		
21 Grant to Parliamentary Library.....			6,000	00		
22 Miscellaneous printing.....			2,000	00		
<b>Total Legislation</b> .....					299,143	63
<b>SCIENTIFIC INSTITUTIONS.—(Vide Det. Est., p. 9.)</b>						
23 Observatory, Quebec.....			2,450	00		
24 Do Toronto.....			4,800	00		
25 Do Kingston.....			500	00		
26 Do Montreal.....			500	00		
27 Observatories, Halifax and St. John.....			1,500	00		
<b>Total Scientific Institutions</b> .....					9,750	00
<b>ARTS, AGRICULTURE AND STATISTICS.—(Vide Det. Est., p. 9.)</b>						
28 Expenses in connection with preparation for the Census.....			4,000	00		
29 Sir W. E. Logan, to refund to him price of Geological Collection sold at Paris.....			500	00		
30 Expenses of collecting Statistics of Births, Marriages and Deaths.....			2,500	00		
<b>Total Arts, Agriculture &amp; Statistics</b> .....					7,000	00
<b>IMMIGRATION AND QUARANTINE.—(Vide Det. Est., p. 10.)</b>						
Salaries of Immigration Office.....	6,250	00				
Rent and Contingencies.....	3,500	00				
Aid to Emigrants.....	5,000	00				
31 Quarantine Establishment, Grosse Isle.....	11,825	00	14,750	00		
Salaries of Inspecting Physicians, Quebec.....	2,000	00				
Gratuity of one year's salary to Dr. Von Iffland.....	1,230	00				
32 Expenses of Quarantine, Halifax and St. John.....			15,055	00		
			7,000	00		
<b>Total Immigration and Quarantine</b> .....					36,805	00
<b>MILITIA AND GUNBOATS.—(Vide Det. Est., p. 10.)</b>						
34 Salaries of Military Branch and District Staff.....			54,000	00		
35 Do Brigade Majors.....			25,000	00		
36 Do Drill Instructors.....			50,000	00		
37 Military Schools.....			120,000	00		
38 Ammunition.....			50,000	00		
39 Clothing (annual rate).....			75,000	00		
40 Military Stores (annual rate).....			55,000	00		
41 Public Armouries and care of arms.....			50,000	00		
42 Drill pay and Camp purposes, and other incidental expenses connected with drill and training of Militia.....			327,000	00		
43 Taking the enrolment, ballot and other unforeseen expenses of the Regular Militia.....			65,000	00		
44 Contingencies and general service not otherwise provided for, including assistance to Rifle Associations.....			53,000	00		
45 Barrack accommodation, rents, &c.....			80,000	00		
46 Military Survey.....			2,607	00		
<i>Carried forward</i> .....			1,006,607	00	1,377,731	86

ESTIMATES for the year ending 30th June, 1869.—*Continued.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....			1,006,607	00	1,877,731	86
<b>MILITIA AND GUNBOATS.—Continued.</b>						
47 Targets.....			10,000	00		
48 Gunboats.....			25,000	00		
Total Militia and Gunboats.....					1,041,607	00
<b>PENSIONS.—( Vide Det. Est., p. 11.)</b>						
Saml. Waller, late Clerk, House of Assembly.....	400	00				
L. Gagné, Messenger, House of Assembly.....	72	00				
John Bright, Messenger, House of Assembly.....	80	00				
Mrs. Antrobus.....	500	00				
P. Bouchard, for wounds received.....	100	00				
49 Total Old Pensions, to be distributed as above.....			1,452	00		
<i>New Militia Pensions.</i>						
Caroline McEachern and five children.....	319	00				
Jane Lakey.....	146	00				
Rhoda Smith.....	110	00				
Janet Allerson.....	110	00				
Mary McKenzie.....	80	00				
Mary A. Ritchey and three children.....	192	00				
Mary Morrison.....	80	00				
Louise Prudhomme and two children.....	130	00				
Virginie Charron and four children.....	37	50				
Paul M. Robins.....	146	00				
Chs. Thos. Bell.....	73	00				
A. M. Oliphant.....	109	50				
Charles Lugden.....	91	24				
John White.....	109	50				
Thos. Charters.....	91	24				
Samuel McCrag.....	109	50				
Charles Thos. Robertson.....	110	00				
Percy Gore Routh.....	400	00				
Rich. Launders King.....	400	00				
Geo. Allen McKenzie.....	73	00				
Edward Hilder.....	146	00				
Fergus Scholfield.....	73	00				
John Bradley.....	109	50				
Richard Pentecost.....	91	24				
John Cole.....	109	50				
George Prentice.....	400	00				
Geo. Elliott.....	73	00				
James Bryan.....	109	50				
Jacob Stubbs.....	73	00				
Mary D. Connor.....	110	00				
Mary Hodgins and three children.....	191	00				
John Martin.....	110	00				
50 Total New Militia Pensions, to be distributed as above.....			4,513	22		
51 Additional claims before Council.....			1,810	00		
52 Compensation to Pensioners in lieu of land.....			9,450	00		
Total Pensions.....					17,225	22
<b>PUBLIC WORKS.—( Vide Det. Est., p. 17.)</b>						
<b>RAILWAYS.</b>						
53 Stock, Western Extension, European and North American Railway.....			120,000	00		
<i>Carried forward</i> .....			120,000	00	2,436,564	08

ESTIMATES for the year ending 30th June, 1869.—*Continued.*

	\$ cts.	\$ cts.	\$ cts.
<i>Brought forward</i> .....		120,000 00	2,436,564 08
<b>PUBLIC WORKS.—Continued.</b>			
54 Subsidy, Windsor and Annapolis R. R.....		500,000 00	
55 Do Western Extension, E. & N. A. R. R.....		500,000 00	
56 Do Eastern do do.....		290,000 00	
57 Do Frederickton Branch.....		215,000 00	
58 Do Woodstock Branch.....		50,000 00	
59 Halifax, Truro and Pictou Railway.....		80,000 00	
60 European and N. American Railway.....		20,000 00	
61 Intercolonial Railway Survey.....		75,000 00	
Total Railways.....		1,850,000 00	
<b>62 CANALS.</b>			
Welland Canal.....	52,200 00		
Cornwall do.....	30,000 00		
Lachine do.....	4,500 00		
Carillon and Grenville Canal.....	10,000 00		
Rideau Canal.....	10,000 00		
St. Peters do.....	102,000 00		
Miscellaneous Works.....	14,300 00		
		223,000 00	
<b>PUBLIC BUILDINGS.</b>			
63 Parliament and Departmental Buildings.....		100,000 00	
64 Rideau Hall.....		107,000 00	
65 Public Buildings generally.....		25,000 00	
<b>HARBORS, PIERS AND LIGHT HOUSES.</b>			
66 Light Houses, construction.....	45,000 00		
Harbors of Refuge.....	50,000 00		
Pier at Digby, N. S.....	3,000 00		
Purchase of Scows and Dredges, St. John, N. B.....	22,000 00		
		120,000 00	
67 ROADS AND BRIDGES.....		6,000 00	
68 SLIDES AND BOOMS.....		15,000 00	
<b>69 REPAIRS AND REPAIRS OF PUBLIC BUILDINGS.</b>			
Repairs of Light Houses.....	13,500 00		
Rebuilding Pier at Port Dalhousie.....	17,000 00		
Rents and Repairs generally.....	50,000 00		
		80,500 00	
70 SURVEYS AND INSPECTIONS.....		15,000 00	
<b>71 ARBITRATIONS AND AWARDS.</b>			
Beauharnois Canal damages.....	4,000 00		
Arbitrations and Awards generally.....	10,000 00		
		14,000 00	
72 Miscellaneous charges not otherwise provided for.....		10,000 00	
Total Public Works.....			2,565,500 00
<b>OCEAN AND RIVER STEAM SERVICE.—(Vide Det. Est., p. 11.)</b>			
73 Tug service between Montreal and Kingston.....		12,100 00	
<i>Carried forward</i> .....		12,100 00	5,002,064 08

ESTIMATES for the year ending 30th June, 1869.—*Continued.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....			12,100	00	5,002,064	08
<b>OCEAN AND RIVER STEAM SERVICE.—Continued.</b>						
DOMINION STEAMERS.						
74 Maintenance and repairs of steamers, Quebec.....			60,000	00		
75 Maintenance of steamer "Druid," Halifax, and Charter of "Piscator".....			24,000	00		
STEAM COMMUNICATION, N. S., AND N. B.						
76 Between P. E. Island and Port Hood.....			1,600	00		
77 Halifax and St. John.....			10,000	00		
78 Windsor and St. John, Digby and Annapolis.....			4,000	00		
79 Halifax and Newfoundland.....			1,500	00		
80 Pictou and Magdalen Islands.....			400	00		
81 New Brunswick and Prince Edward Island.....			1,000	00		
82 Quebec and Maritime Provinces.....			15,000	00		
Total Ocean and River Steam Service.....					129,600	00
<b>LIGHT HOUSES AND COAST SERVICE.—(Vide Det. Est., p. 15.)</b>						
83 Trinity House, Quebec.....			41,752	00		
84 Do Montreal.....			26,000	00		
85 Maintenance of Light Houses above Montreal.....			43,000	00		
86 Guides to Travellers, Kempt Road.....			400	00		
87 Light Houses, New Brunswick.....			19,000	00		
88 Light Houses, Nova Scotia.....			56,500	00		
89 Buoys, Beacons & Signal Stations, N. S.....			2,200	00		
90 Do do N. B.....			4,650	00		
91 Humane establishment, Sable Island.....	8,000	00				
Do Seal Island.....	120	00				
			8,120	00		
92 Cape Race Light.....			3,000	00		
Total Light Houses, &c.....					204,622	00
<b>MARINE HOSPITALS, &amp;c.—(Vide Det. Est., p. 17.)</b>						
93 Marine Hospital, Quebec.....			20,000	00		
94 Do St. John, St. Andrews and other ports.....			9,500	00		
95 Maintenance of Sick and Disabled Seamen sent to General Hospital, Halifax.....			5,600	00		
96 Shipwrecked and Distressed Seamen.....			2,500	00		
Total, Marine Hospitals, &c.....					37,000	00
<b>FISHERIES.—(Vide Det. Est., p. 21.)</b>						
97 Expenses of Schooner "La Canadienne".....			10,800	00		
98 Salaries and Disbursements of Fishery Overseers, Ontario and Quebec.....			12,000	00		
99 Fishways and Oyster Beds.....			4,000	00		
100 Salaries and Disbursements of Fishery Overseers, Nova Scotia and New Brunswick.....			10,000	00		
Total Fisheries.....					36,800	00
<b>CULLING TIMBER.—(Vide Det. Est., p. 20.)</b>						
101 Salaries and Contingencies of Culler's Office.....					75,000	00
<i>Carried forward</i> .....					5,485,086	08

ESTIMATES for the year ending 30th June, 1869.—*Continued.*

	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....					5,485,086	08
<b>RAILWAY AND STEAMBOAT INSPECTION.—(Vide Det. Est., p. 21.)</b>						
102 Railways, Salaries and Contingencies.....			3,550	00		
103 Steamboats, do .....			8,000	00		
<b>Total Railway and Steamboat Inspection</b> .....					11,550	00
<b>SEIGNIORIAL INDEMNITIES.—(Vide Det. Est., p. 21.)</b>						
104 Expenses of Seigniorial Commission.....					6,000	00
<b>INDIANS.—(Vide Det. Est., p. 22.)</b>						
105 New Indian Annuities, Ontario.....			4,400	00		
106 Annual grant to Indians, Quebec .....			400	00		
107 Do do Nova Scotia.....			1,300	00		
108 Do do New Brunswick .....			1,200	00		
109 To purchase blankets for aged and infirm Indians, Ontario and Quebec.....			1,100	00		
<b>Total Indians</b> .....					8,400	00
<b>MISCELLANEOUS.—(Vide Det. Est., p. 23.)</b>						
110 Unforeseen expenses.....			100,000	00		
111 Miscellaneous printing .....			5,000	00		
112 Advertising and subscription to <i>Canada Gazette</i> .....			8,000	00		
113 Postages of do.....			1,200	00		
114 Shipping Master's Office, Quebec .....			1,200	00		
115 Expenses connected with Confederation and Imperial legislation thereon .....			93,912	44		
116 Towards cost of Confederation Medal.....			2,000	00		
<b>Total Miscellaneous</b> .....					211,312	44
<b>COLLECTION OF REVENUES.—(Vide Det. Est. p. 23.)</b>						
117 Salaries and Contingencies of Customs, to be distributed in accordance with the provisions of the Civil Service Act.....			488,261	00		
118 Commutation in view of remission of duties on articles imported for the use of the Army and Navy and Officers' Mess, to be apportioned by Order in Council.....			75,000	00		
<b>Total</b> .....					563,261	00
119 Inland Revenue, Salaries of permanent officers, to be distributed in accordance with the provisions of the Civil Service Act.....			109,000	00		
120 Do travelling and other contingent expenses.....			49,550	00		
<b>Total</b> .....					158,550	00
121 Post Office .....					751,000	00
Public Works, Maintenance and Repairs, Ontario and Quebec .....	295,000	00				
Collection and Miscellaneous .....	34,695	49				
122 Public Works, Ontario.....			329,695	49		
123 Do Nova Scotia .....			240,000	00		
124 Do New Brunswick.....			125,000	00		
<b>Total</b> .....					694,695	49
125 Minor Revenues .....					12,000	00
<b>Total</b> .....					7,901,855	01

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DETAILED ESTIMATES

OF THE

DOMINION OF CANADA,

FOR THE FISCAL YEAR ENDING 30TH JUNE,

1869.

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DETAILED ESTIMATES

Of the Dominion of Canada, for the Fiscal Year ending 30th June, 1869.

SERVICES.	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>PUBLIC DEBT.</b>						
<i>In London.</i>						
Interest on Public Debt, Ontario and Quebec.....						
Do Nova Scotia.....		3,132,607 00				
Do New Brunswick.....		284,910 00				
Do on current account.....		303,629 40				
		25,000 00			3,746,146 40	
<i>In Canada.</i>						
Interest on Public Debt.....		219,250 00				
Do Dominion Stock.....		126,000 00				
Do Floating debt, Bank Montreal, .....		105,000 00			450,250 00	
<i>In Nova Scotia.</i>						
Interest on Public Debt.....		88,800 00				
Do Savings Bank.....		26,000 00			114,800 00	
<i>In New Brunswick.</i>						
Interest on Public Debt.....		11,766 00				
Do Saving Banks.....		43,000 00			54,766 00	
<i>Charges of Management.</i>						
Commission to Financial Agents.....		37,212 00				
Do on investments for Sinking Fund.....		2,477 00				
Advertising, telegrams, postages and bill stamps.....		3,675 00				
Cost of Provincial Notes.....		5,000 00				
Allowance to Bank of Montreal on average of Notes withdrawn from circulation.....		156,541 00				
Percentage on Provincial Notes circulated.....		50,000 00				
Bank of Montreal for initialing Provincial Notes.....		1,250 00				



Salaries of Provincial Note Commissioners.....	2,400 00					
Savings' Bank, Nova Scotia, Salary of Manager.....	\$1,600 00					
Do Do of Clerk.....	600 00					
Contingencies.....	40 00					
Savings' Bangs, New Brunswick, Commission to Savings' Banks' Agents.....	1,000 00				261,795 00	
Premium on Exchange.....	40,000 00					
Sinking Fund.....	247,713 00				40,000 00	
<i>Redemption of Public Debt.</i>						
Balance of Guaranteed Loan, London.....	683,767 00					
Debentures to be redeemed in Canada.....	874,500 00					
To redeem Mutilated Notes, Nova Scotia.....	60,000 00				1,865,980 00	
CIVIL GOVERNMENT.						
<i>Salaries.</i>						
His Excellency the Governor General.....		D. N. A. Act.				
Do Lieut. Governor of Ontario.....	48,666 66			48,666 66		
Do Lieut. Governor of Quebec.....	8,000 00					
Do Lieut. Governor of Nova Scotia.....	8,000 00					
Do Lieut. Governor of New Brunswick.....	7,000 00					
Departmental Salaries.....	\$21,545 13		30,000 00	30,000 00		
Do Contingencies.....	187,733 00					
Contingencies of Customs.....	31,755 00					
Do Post Office.....	35,500 00					
Do Militia (balance).....	4,000 00					
Total Salaries and Contingencies to be distributed under provisions of New Civil Service and Contingencies Bills, estimated at.....	\$680,533 13		550,060 00	550,060 00		
Local Branches of Departments of Finance, Public Works, Fisheries, &c., at Halifax, N. S., and St. John, N. B., with their contingencies, to be distributed as above.....			22,700 00	22,700 00		651,366 66
ADMINISTRATION OF JUSTICE.						
PROVINCE OF ONTARIO.						
<i>Court of Queen's Bench.</i>						
Salary of one Chief Justice.....	5,000 00					
Do two Puisné Judges \$4,000 each.....	8,000 00					
		C. S. c. 10 ..				
		do				
						13,000 00

DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>ADMINISTRATION OF JUSTICE.—Continued.</b>						
PROVINCE OF ONTARIO.—Continued.						
Court of Chancery.						
Salary of one Chancellor .....						
Do two Vice-Chancellors, \$4,000 each.....	C. S., U. C.	5,000 00				
	cap. 12.....	8,000 00			13,000 00	
	do .....					
Court of Common Pleas.						
Salary of one Chief Justice.....	C. S., c. 10...	5,000 00				
Do two Puisné Judges, \$4,000 each.....	do .....	8,000 00			13,000 00	
Circuit Allowances and contingent expenses.....			13,000 00			
Law Fee Fund.						
Salaries of Judges of County Courts and contingencies.....	C. S., U. C.,	97,500 00			97,500 00	
	cap. 15 ....					
	do 128	2,000 00			2,000 00	
Miscellaneous Justice.						
Salary of Judge, District of Algoma.....						
PROVINCE OF QUEBEC.						
Court of Queen's Bench.						
Salary of one Chief Justice.....	C. S., c. 10,	5,000 00				
Do for Puisné Judges, \$4,000 each.....	do .....	16,000 00			21,000 00	
Superior Court.						
Salary of one Chief Justice.....	do 78	5,000 00				
Do seven Puisné Judges, \$4,000 each.....	do 78	28,000 00				



DETAILED ESTIMATES, &c.—Continued.

S E R V I C E .	A U T H O R I T I E S .				Grand Total.
	Special Acts.	Estimates.		Total.	
		\$ cts.	\$ cts.		
<b>PENITENTIARIES.—Continued.</b>					
<i>Rockwood Asylum Buildings.</i>					
Salaries of Warden, Architects, Keepers and Guards.....		6,530 00			
Building materials, skilled labor, tools, &c.....		11,155 68	17,685 68		
<i>Rockwood Asylum.</i>					
Salaries.....		3,825 00			
Maintenance.....		28,350 00			
Furniture and fixtures.....		1,000 00	33,176 00		
<b>PENITENTIARY—NEW BRUNSWICK.</b>					
For maintenance.....			30,000 00		
<b>PENITENTIARY—NOVA SCOTIA.</b>					
For maintenance.....			20,000 00		
<b>DIRECTORS OF PENITENTIARIES.</b>					
Salary of three Directors at \$2,000 each.....			6,000 00		
Travelling expenses.....			1,800 00		
Stationery and contingencies.....			600 00		245,733 23
<b>LEGISLATION.</b>					
<b>SENATE.</b>					
Salary of Speaker.....	Act 31 Vic,	3,200 00			
Salaries and contingencies.....	cap. 8 .....		67,533 63	67,533 63	
Indemnity to Members.....	do .....	43,200 00		53,445 00	
Mileage to and from the Seat of Government.....	do .....	7,045 00			120,978 63







DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>S E R V I C E .</b>						
<b>PENSIONS—Continued.</b>						
<i>New Militia Pensions—Continued.</i>						
Chas. Thos. Bell .....			73 00			
A. M. Oliphant .....			109 50			
Charles Lugden .....			91 24			
John White .....			109 50			
Thos. Charters .....			91 24			
Samuel McCrag .....			109 50			
Chas. Thos. Robertson .....			110 00			
Percy Gore Routh .....			400 00			
Richard Launders King .....			400 00			
Geo. Allen McKenzie .....			73 00			
Edwin Hilder .....			146 00			
Fergus Scholfield .....			73 00			
John Bradley .....			109 50			
Richd. Pentecost .....			91 24			
John Cole .....			109 50			
Geo. Prentice .....			400 00			
George Elliott .....			73 00			
James Bryan .....			109 50			
Jacob Stubbs .....			73 00			
Mary D. Conant .....			110 00			
Mary Hodgins and three children .....			191 00			
John Martin .....			110 00			
Additional pensions .....			1,810 00	6,323 22	17,225 22	
<b>Pensions—Nova Scotia.</b>						
Judge Sawyers .....	Acts of N. S.,					
	1865, cap. 21.	1,200 00				
Judge Marshall .....	do	1,200 00				
John Spry Morris .....	do	1,200 00				
H. W. Crawley .....	do	1,200 00				
				4,800 00	51,358 34	



<b>OCEAN AND RIVER STEAM SERVICE.</b>								
One year's Postal Subsidy to Mr. H. Allan.....	Act 27 & 28 V, cap. 11.	218,000 00	.....	.....	.....	.....	.....	218,000 00
Tug Service between Montreal and Kingston.....							12,100 00	
<i>Steamers belonging to the Dominion.</i>								
Provincial Steamers, maintenance and repairs.....							60,000 00	
Nova Scotia, repairs to Steamer Druid.....						2,000 00		
Do maintenance do.....						20,000 00		
Charter of Schooner Piscator.....						2,000 00		
<i>Steam communication—Nova Scotia.</i>								
Between Picton, Prince Edward's Island and Port Hood.....						1,600 00		
Between Halifax, N. S., and St. John, N. B., touching at intermediate Ports.....						10,000 00		
Between Windsor, St. John, Digby and Annapolis.....						4,000 00		
Between Halifax and Newfoundland, calling at Sidney.....						1,500 00		
Between Picton and the Magdalen Islands.....						400 00		
<i>Steam communication—New Brunswick.</i>								
Between New Brunswick and Prince Edward's Island.....						1,000 00		
Between Quebec and the Maritime Provinces.....						15,000 00		
<b>LIGHT HOUSES AND COAST SERVICE.</b>								
TRINITY HOUSE, QUEBEC.								
Salaries of Officials, Light House keepers, supplies and repairs, including new buoys and chains.....						30,000 00		
Contingencies.....						3,500 00		
<i>Harbour Masters.</i>								
Salary of Clerk, Quebec, and of Harbour Masters, Gaspé and Magdalen Island, including wages, &c., to boats' crews, new buoys and repairs.....						2,512 00		
Depôts of provisions—Salaries of keepers and supplies.....						1,440 00		
New Beacons—Whitewashing, repairing, cooperage, oil, &c.....						1,600 00		
Signal Guns—Cost of ammunition.....						2,700 00		
TRINITY HOUSE, MONTREAL.								
Salaries of Trinity House Officers, Light House Keepers and contingencies.....							26,000 00	
						33,500 00		347,600 00

DETAILED ESTIMATES, &c.—Continued.

SERVICES.	AUTHORITIES.				Grand Total.
	Special Acts.	Estimates.	Total.		
	\$	\$	\$	\$	cts.
<b>LIGHT HOUSES AND COAST SERVICE.—Continued.</b>					
ONTARIO AND QUEBEC.					
<i>Maintenance of Lights.</i>					
Salaries of Light House Keepers, supplies and their delivery, repairs, advertising.....			43,000 00		
<i>Guides to travellers on the Kempt Road.....</i>			490 00		
NEW BRUNSWICK.					
Salaries of keepers of Light Houses, supplies and repairs, including Fog whistle.....			19,000 00		
NOVA SCOTIA.					
Salaries of keepers of Light Houses, including Fog trumpets and Fog bells at St. Paul and Scatterie, and construction of Fog whistle, Yarmouth; supplies repairs and other contingencies, cost of dwellings for keepers, with fuel and other allowances.....			56,500 00		
<i>Cape Race Light .....</i>			3,000 00		
<i>Buoys and Beacons.</i>					
NEW BRUNSWICK.					
Maintenance .....		4,500 00			
NOVA SCOTIA.					
Maintenance .....		1,200 00			
					5,700 00

<i>Signal Stations.</i>									
Halifax Harbour, N. S.....	1,000 00								
St. John, N. B.....	150 00								
		1,150 00							
<i>Humane Establishment.</i>									
NOVA SCOTIA.									
Sable Island, \$10,000, less \$2,000 paid by Great Britain.....	8,000 00								
For this service on Seal Island.....	120 00								
		8,120 00							204,622 00
<i>MARINE HOSPITALS.</i>									
MARINE AND EMIGRANT HOSPITAL, QUEBEC.									
Salaries and Maintenance.....		20,000 00							
<i>MARINE HOSPITALS, NEW BRUNSWICK.</i>									
<i>St. John, St. Andrew, and other Ports.</i>									
Salaries and Maintenance.....		9,500 00							
<i>Nova Scotia.</i>									
For maintenance of sick and disabled seamen sent to General Hospital, Halifax.....		5,000 00							
<i>Shipwrecked and Distressed Seamen</i> .....		2,500 00							37,000 00
<i>PUBLIC WORKS AND BUILDINGS.</i>									
NOVA SCOTIA.									
Windsor and Annapolis Railway Subsidy.....		500,000 00							
Halifax, Truro, Windsor and Pictou Railway; for replacing trestle work by earthwork on old line and purchase of rolling stock.....		80,000 00							580,000 00
<i>NEW BRUNSWICK.</i>									
Stock in Western extension of the European and North American Rail- way.....		120,000 00							

DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>PUBLIC WORKS AND BUILDINGS.—Continued.</b>						
<b>NEW BRUNSWICK.—Continued.</b>						
<i>Subsidies.</i>						
European and North American Railway, viz:						
Western extension.....	500,000	00				
Eastern do .....	290,000	00				
Fredericton branch .....	215,000	00				
Woodstock do .....	50,000	00				
Do for works chargeable to construction.....	1,055,000	00				
			20,000	00	1,195,000	
<b>CANALS.</b>						
St. Peter's Canal, Nova Scotia.....			102,000	00		
<b>Wetland.</b>						
Deepening to Lake Erie level.....	35,000	00				
Do at Port Dalhousie.....	2,500	00				
To enlarge basin at Port Colborne.....	11,000	00				
Houses for Collectors.....	3,700	00				
<b>Cornwall.</b>						
Works to increase supply of water.....			30,000	00		
<b>Lachine.</b>						
Road .....			4,500	00		
<b>Ordnance Canals.</b>						
Carillon and Grenville.....			10,000	00		

Rideau—Houses for bridge keepers and works required to increase supply of water.....	10,000 00	20,000 00	223,000 00	
Miscellaneous works on Canals chargeable to construction.....		14,300 00		
PUBLIC BUILDINGS.				
Parliament and Departmental Buildings, Ottawa .....	100,000 00			
Governor's residence, Ottawa, viz : For purchase of estate.....	107,000 00			
For works of construction.....	25,000 00			
Public Buildings in general.....		232,000 00		
Light Houses.				
Ontario and Quebec.....	20,000 00	45,000 00	277,000 00	
Nova Scotia.....	5,000 00	75,000 00	75,000 00	
New Brunswick.....	20,000 00	50,000 00		
Intercolonial Railway Survey.....		3,000 00		
Harbors for refuge—improvements and breakwaters.....		22,000 00		
Pier at Digby—Nova Scotia.....		15,000 00		
Purchase of Dredge and Scows for St. John's Harbor, N. B.....		10,000 00		
Slides and Booms.....	4,000 00			
Arbitrations and awards.....		14,000 00		
Beauharnois Canal damages.....		15,000 00		
Surveys and Inspections.....		10,000 00		
Miscellaneous charges in respect to Public Works not otherwise provided for .....		6,000 00	155,000 00	2,485,000 00
ROADS AND BRIDGES.....				
Rents, repairs, insurances and furniture for Public Buildings.....		50,000 00		
Maintenance and repairs of Light Houses.....		13,500 00		
Re-building Pier at Port Dalhousie, Welland Canal.....		17,000 00		80,500 00
CULLING TIMBER.				
Salary of Supervisor, Quebec, of Deputy Supervisor, Book-keeper, Cashier and Specification Clerks.....	14,065 00			
For Cullers' fees.....	52,000 00			
For contingencies of office.....	3,500 00			
For salary of Deputy Supervisor, Clerks and Cullers' fees at office, Montreal.....	5,485 00			75,000 00

DETAILED ESTIMATES, &c.—Continued.

	AUTHORITIES.				Total.	Grand Total.
	Special Acts.	Estimates.		\$ cts.		
		\$ cts.	\$ cts.			
<b>S E R V I C E.</b>						
<b>RAILWAY AND STEAMBOAT INSPECTION.</b>						
<i>Railways.</i>						
<i>Steamboats.</i>						
Salaries and contingencies.....				3,550 00		
Salaries and contingencies.....				8,000 00		11,550 00
<b>FISHERIES.</b>						
QUEBEC AND ONTARIO.						
Expense of Schooner La Canadienne, including salaries, pay-lists and repairs.....				10,800 00		
Salaries and disbursements of Fishery Overseers and Guardians.....			12,000 00			
Building of Fishways and formation of Oyster beds.....			4,000 00			
Salaries and disbursements of Fishery Overseers and Guardians of Nova Scotia and New Brunswick.....				16,000 00		
.....				10,000 00		36,800 00
COMPENSATION TO SEIGNIEURS.....						
C. S., L. C., cap. 41.....				6,000 00		192,786 00
.....						
.....				45,402 60		45,402 60
<b>SEIGNIORIAL INDEMNITY TO TOWNSHIPS.....</b>						
<b>SUBSIDIES.</b>						
Ontario grant.....						
80 cents a head.....						1,196,872 80
Quebec grant.....						
80 cents a head.....						959,252 50



DETAILED ESTIMATES, &c.—Continued.

SERVICE.	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>MISCELLANEOUS.—Continued.</b>						
Widows' Pensions and Uncommuted Stipend.....						
Shipping Master's Office, Quebec.....	C. S., cap. 25	4,300 00				
Copyright Duty.....		650 00			4,950 00	
Towards cost of Confederation Medal.....			17,400 00		211,312 44	
<b>COLLECTION AND MANAGEMENT OF REVENUE.</b>						
<b>CUSTOMS (EXCLUSIVE OF DUTIES REFUNDED.)</b>						
<b>ONTARIO.</b>						
Salaries of permanent Officers at 53 ports.....			142,630 00			
Contingencies, including pay of Tidewaiters and others, paid per diem ..			19,100 00		161,730 00	
<b>QUEBEC.</b>						
Salaries of permanent Officers at 18 ports.....			102,456 00			
Contingencies, including pay of Tidewaiters and others, paid per diem.....			73,175 00		175,631 00	
Salary of Inspector of Ports, Ontario and Quebec.....			2,000 00			
Contingencies, travelling expenses of ditto.....			1,000 00		3,000 00	
<b>NOVA SCOTIA.</b>						
Salaries of permanent Officers and others, paid per diem, at 70 ports.....			78,275 00			
Contingencies of the Port of Halifax.....			4,000 00			
Do of the Out Ports.....			1,000 00		83,275 00	
Inspecting of Ports, Nova Scotia, and special services and contingencies..					2,400 00	
<b>NEW BRUNSWICK.</b>						
Salaries of permanent Officers and others, paid per diem, at 31 ports.....			55,825 00			



Contingencies of the Port of St. John.....	3,000 00				
Do of the Out Ports.....	1,000 00				
Inspecting of Ports, New Brunswick, and special services and contingences.....		59,825 00			
Commutation in lieu of present remission of duties on articles imported for use of Army and Navy Officers and Officers' Mess:—to be apportioned from time to time by Governor in Council.....		2,400 00			
					565,281 00
INLAND REVENUE.					
Salaries to be distributed under the provisions of the Civil Service Act.....					
Preventive Service.....	109,000 00				
Survey of Bonded Manufactories.....	5,000 00				
Travelling expenses, rents, fuel and stationery.....	6,100 00				
	86,100 00				
Bill Stamps: Balance of expense for engraving Bill Stamps not covered by Estimates of 1867-8.....	1,600 00				
Printing Stamps.....	750 00				
					158,550 00
POST OFFICE.					
<i>Ordinary Expenditure.</i>					
Payments to Mail Contractors on land routes.....	190,000 00				
Salaries of Inspectors' Branch.....	35,000 00				
Do of Railway Mail Clerks.....	60,000 00				
<i>Miscellaneous.</i>					
Purchase of Stamps, Seals, incidental expenses of all kinds throughout the Department.....	15,000 00				
Contract payments for Mail Service to Grand Trunk and Great Western Railways.....	195,000 00				
For services by other Railways.....	45,000 00				
	44,000 00				
For Steamboat Mail Service.....	10,000 00				
For Ocean Mail Service, salaries of Clerks on board, and incidental charges.....	7,000 00				
For Money Order Branch.....	10,000 00				
For Military Postage refunds.....	70,000 00				
For Nova Scotia.....	70,000 00				
For New Brunswick.....	70,000 00				
					751,000 00

DETAILED ESTIMATES, &c.—Concluded.

	AUTHORITIES.				Grand Total.	
	Special Acts.		Estimates.			Total.
	\$	cts.	\$	cts.		
<b>S E R V I C E .</b>						
<b>PUBLIC WORKS.</b>						
Ontario and Quebec.....			295,000 00			
<i>Nova Scotia.</i>						
Maintenance and repairs and working expenses of Railways.....			240,000 00			
<i>New Brunswick.</i>						
Maintenance and repairs and working expenses of Railways.....			125,000 00			
<i>Collection and Miscellaneous.</i>						
Expenses collecting Tolls on the Canals and Slide Dues, viz:						
Welland Canal.....			6,317 23			
St. Lawrence Canals.....			13,353 79			
Charably Canals.....			1,839 44			
Ottawa and Rideau Canals.....			1,542 85			
Burlington Bay Canal.....			500 00			
Locks.....			1,057 18			
Expenses collecting Slide dues.....			6,375 00			
Salary of Inspector of Canal offices and tolls.....			1,400 00			
Travelling expenses of do.....			510 00			
Salary of Harbor Master, Prescott.....			300 00			
Collecting hydraulic rams, printing, advertising and blank books, &c., &c.....			1,400 00			
Miscellaneous Minor Revenues.....			34,695 49		694,695 49	
			12,000 00		12,000 00	
			7,901,855 01		17,960,911 84	

S U M M A R Y .

Authorized by Special Acts.....	\$10,059,056 83
Authority wanted for.....	7,901,355 01
	<u>\$17,960,911 84</u>

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# SUPPLEMENTARY ESTIMATES

## For 1867-8.

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### LEGISLATURE.

1.	Additional on account of Printing.....	\$10,000 00
2.	Do Mileage to Members.....	1,500 00
3.	Do Expenses of Committees.....	2,000 00

### MILITIA.

4.	Clothing, additional.....	15,000 00
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### PUBLIC WORKS.

5.	Construction and Repairs to Light Houses, N.S.....	25,000 00
6.	St. Peter's Canal, N.S.....	17,500 00
	<b>Total.....</b>	<b>\$71,000 00</b>

# RETURN

To an Address of the HOUSE OF COMMONS, dated 18th March, 1868; For Copies of all Correspondence between the Imperial Government and the Government of the late Province of Canada, since February, 1863, on the subject of Colonial Military Expenditure and Military Defence of the late Province of Canada, and between the Imperial Government and that of the Dominion, since 1st July, 1867, on the same subject.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 5th April, 1868.

## DESPATCHES AND OTHER DOCUMENTS

ON THE SUBJECT OF

## COLONIAL MILITARY EXPENDITURE AND DEFENCE. SCHEDULE.

	No.	Date.	Subject.
Lord Monck to the Duke of Newcastle.	96	June 10, 1862 .....	Militia Organization—Reports, Proceedings of the Legislature, and requests that a supply of arms be sent to Canada.
The Duke of Newcastle to Lord Monck.	163	Aug. 21, 1862 .....	Respecting Militia Organization.
Lord Monck to the Duke of Newcastle.	147	Oct. 30, 1862 .....	With Minute of Council on the Defence of the Province and the Organization of the Militia.
The Duke of Newcastle to Lord Monck.	197	Dec. 30, 1862 .....	In answer to the above Minute of the Executive Council.
Lord Monck to the Duke of Newcastle.	39	March 28, 1864 .....	Military Schools at Quebec and Montreal.
MrCardwell to Lord Monck	14	Jan. 21, 1865 .....	Defences of Quebec and Montreal.
Executive Council.	.....	March 24, 1865 .....	Recommending that a Deputation of four Members of the Executive Council should proceed to England to confer with H. M. Government.
Report of Messrs. Macdonald, Cartier, Brown, and Galt.	.....	July 12, 1865 .....	Reporting result of their conferences with H. M. Government.
The Right Honorable Edward Cardwell to Lord Monck .....	95	June 17, 1865 .....	Result of Conferences between H. M. Government and the Deputation of Canadian Ministers.
Mr. Cardwell to Lord Monck.	103	June 24, 1865 .....	Enclosing Copy of a Despatch addressed to the Lieut. Governor of the Maritime Provinces.
The Duke of Buckingham to Lord Monck.	38	Feb. 22, 1868 .....	Calls attention to the defence works required at Montreal and other places.
Extract of a Despatch from Lord Monck to the Duke of Buckingham.	.....	March 14, 1868 .....	Enclosing Minute of Council on Gunboats for the Lakes and River St. Lawrence.

*Lord Monck to the Duke of Newcastle.*

(No. 96.)

QUEBEC, 10th June, 1862.

1. MY LORD DUKE,—I have the honor to acknowledge your Grace's despatch, No. 119, of May 22nd, covering a letter from Lord De Grey, dated May 10th, in which His Lordship desired to be informed whether the carbines and saddlery provided for the Cavalry Militia of Canada should be forwarded to that country.

2. I might have answered this question by the last mail, but I preferred postponing my reply until after the termination of the Session of the Provincial Parliament, in order that I might, in laying before Your Grace my views on the whole question of the supply of military stores to this Colony, have the advantage of knowing the changes which the Legislature of Canada might have made in the Militia Law of the Province.

3. I have the honor to enclose for Your Grace's information a copy of the Act for that purpose to which I yesterday signified Her Majesty's assent. I also enclose a copy of the Act of which this Act is an amendment.

4. Your Grace will observe that substantially the amendments consist of provisions for securing more correct muster Rolls of the Sedentary Military (the whole male population of the Province between 18 and 60 years of age.)

2nd. For increasing the number of the active force from five to ten thousand men, and the number of day's drill in the year from six to twelve.

3rd. For enabling the Governor General, in the event of war, to enlist regiments, independent of the Militia, for the purposes of the war.

4. Empowering the formation of Drill Associations amongst persons not belonging to the Active Force.

Enclosure, No. 2. 5. I have also the honor to enclose a copy of the Report of the Commission on Militia affairs, appointed early in last spring, and of the Bill founded on that Report, which was rejected on its second reading by the Legislative Assembly. The requisitions which I have made to Your Grace for clothing were based on the force which that Bill, if it had become law, would have called into existence.

6. The Legislature has refused to recognize the present necessity for the military organization of the people of the Province to so large an extent as was contemplated by this Bill, but it has left untouched the powers which the old Militia Law conferred on the Governor General (clause 61,) to "call out the militia or any part thereof, whenever in his opinion it is advisable so to do, by reason of war, invasion or insurrection or imminent danger of any of them."

7. The Militia Commission, which numbered amongst its members, military officers and civilians intimately acquainted with this Province, laid it down as their opinion (Par. 8,) that to provide an efficient force for the defence of the country, an Active Force of 50,000 men with a reserve of the same number ought to be provided.

8. This statement affords an index to the number of militia men whom it would be my duty to call out in case this Province should unhappily become the seat of war.

9. It is true that in consequence of the failure of the Bill referred to, the men, when called out, will not be so efficient as we might have expected them to prove if they had been organized under its provisions, but still, with the exception of the 10,000 Volunteers sanctioned by the new Act, they would be the only contribution which the Province would, under the law as it now stands, have in its power to make towards its defence.

10. If the Bill founded on the Report of the Militia Commission had become law, the Colony would have been entitled, under Your Grace's circular of May 14th, to borrow from the Imperial Government the arms necessary for the equipment immediately of 50,000 and ultimately of 100,000.

11. While I do not question the right of the Provincial Parliament to act as they have done, in providing, in my judgment, so scantily for the defence of their territory, and while I am ready to admit, that events may prove that in taking this course the representatives of the people in this Province are acting with sounder judgment than if they had adopted a different line of conduct, I am on the other hand very anxious, that should these views unhappily prove erroneous, I may be in the position to make the most efficient use of the means placed at my disposal.

12. It is with this object that I would earnestly press upon Your Grace the propriety

of largely augmenting, during the present navigation season, the supply of arms and ammunition in store in Canada, and of forwarding the other articles for which I have applied, cavalry equipments included, not for immediate issue to the Militia Force of the Province, but to meet the demand which must arise if the necessity for calling out the Militia should ever unhappily occur.

13. There are at present in the Province (including the arms sent out in the *Melbourne*) in round numbers, 50,000 Enfield Rifles, either in store or in the hands of the Volunteers. My suggestion is that before the closing of the navigation next autumn that number should be raised to at least 90,000, with equipments and ammunition to correspond.

14. The Militia Commission suggested that the number of Field Batteries of Artillery, active and reserve, should be twenty of 85 men each. I am not aware that we have in store in Canada any guns for arming Field Artillery. There are few in the hands of the Volunteers. I would submit to Your Grace the propriety of placing in store in this Province an armament sufficient for the equipment of the above force.

15. The number of Cavalry fixed by the Commission was 27 troops of 50 men each, and I would advise that cavalry equipments for that force should be also sent out.

16. Your Grace will understand that I mean these stores to be held by the Imperial storekeepers, not for immediate issue, but to guard against the evil consequences which must ensue should war occur during the winter season, and find the Province insufficiently prepared with a supply of arms at a period of the year when they cannot be forwarded from England without great risk and increased expense.

I have, &c.,

(Signed,) MONCK.

His Grace the Duke of Newcastle.

(Copy, Canada, No. 163.)

DOWNING STREET, 21st August, 1862.

MY LORD,—Now that the Session of Parliament has been brought to a close, I feel it my duty to call Your Lordship's attention, in a more formal manner than I have hitherto done, since the rejection of the Militia Bill by the Legislature of Canada, and the consequent change of your responsible Advisers, to the want of preparation for defence of the British North American Provinces, in the event of an interruption of the present amicable relations of this country with the United States, and to the anxiety which was expressed upon this subject, on more than one occasion, both in the House of Lords and in the House of Commons.

I trust that the general spirit of those debates will not have been misinterpreted. I feel no less confidence that the object of the present despatch will not be mistaken as implying either mistrust of the Canadian People or an alteration by Her Majesty's Government of the view which they have frequently expressed of the relations which ought to exist between England and the Colony.

On the one hand, the promptitude with which troops and stores were despatched last winter with much inconvenience to the soldiers, and at no inconsiderable expense to this country, shews the readiness of England to defend Canada with the whole power of the Empire; whilst, on the other hand, the reception of these troops and the loyal enthusiasm of the people of Canada, give ample assurance of the fact that Canada is attached to this country, and faithful to the Queen.

It cannot be denied, however, that the rejection of the Militia Bill has produced a disadvantageous impression on the minds of the English people. The public cannot be expected to see that the adoption or rejection of a particular measure may sometimes turn not so much on the merits of the measure itself as on other considerations, though Her Majesty's Government are aware that Parliamentary tactics in a Free Representative Assembly not unfrequently make that appear the real issue, which is in fact only the occasion.

They do not, therefore, infer from the rejection of this measure, that either the Canadian Ministry or the Canadian people are reluctant to make proper provision for their own defence, but they do regret that, at such a moment, both should be exposed to miscon-

struction of their motives and intentions, not only by the people of England, but by those of the United States.

Her Majesty's Government disclaim both the right and the desire to interfere in the party politics of Canada, and they would evince no concern in the late change of your Advisers, and if it were not connected with an event which appears to impugn the patriotism of her people.

If I urge upon you the importance of speedily resuming measures for some better military organization of the inhabitants of Canada than that which now exists, it must not be supposed that Her Majesty's Government is influenced by any particular apprehension of an attack on the Colony at the present moment, but undoubtedly the necessity for preparation, which has from time to time been urged by successive Secretaries of State, is greatly increased by the presence, for the first time on the American Continent, of a large standing army, and the unsettled condition of the neighboring States. Moreover, the growing importance of the Colony, and its attachment to free institutions, make it every day more essential that it should possess in itself, that, without which no free institutions can be secure—adequate means of self-defence. The adequacy of those means is materially influenced by the peculiar position of the country. Its extent of frontier is such that it can be safe only when its population capable of bearing arms is ready and competent to fight. That the population is ready, no one will venture to doubt; that it cannot be competent, is no less certain, until it has received that organization, and acquired that habit of discipline, which constitute the difference between a trained force and an armed mob. The drill required in the Regular Army, or even in the best Volunteer Battalion, is not necessary, nor would it be possible, in a country like Canada, for so large a body of men as ought to be prepared for any emergency; but the Government should be able to avail itself of the services of the strong and healthy portion of the male adult population at short notice, if the dangers of invasion by an already organized army are to be provided against.

We have the opinions of the best military authorities, that no body of troops which England could send, would be able to make Canada safe without the efficient aid of the Canadian people. Not only is it impossible to send sufficient troops, but if there were four times the number which we were now maintaining in British North America, they could not secure the whole of the frontier. The main dependence of such a country must be upon its own people. The irregular forces which can be formed from the population, know the passes of the woods, are well acquainted with the country, its roads, its rivers, its defiles; and for defensive warfare (for aggression they will never be wanted) would be far more available than regular soldiers.

It is not, therefore, the unwillingness or the inability of Her Majesty's Government to furnish sufficient troops; but the usefulness of such troops without an adequate Militia force that I wish to impress upon you.

In your despatch of the 17th May last, you informed me that there were then 14,760 Volunteers enrolled, besides others who had been more or less drilled. It is far, indeed, from my intention to discredit either the zeal or the efficiency of these Volunteers, who have, I hope, greatly increased in number since the date of your despatch; but they constitute a force which cannot suffice for Canada in the event of war. They might form an admirable small contingent, but what would be required would be a large army. They might form a force stronger than is necessary in time of peace to secure internal tranquillity, but would be inadequate to repel external attack in time of war. Past experience shows that no reasonable amount of encouragement can raise the number of volunteers to the required extent.

It appears to me that the smallest number of men, partially drilled, which it would be essential to provide within a given time, is 50,000. The remainder of the Militia would, of course, be liable to be called upon in an emergency. Perhaps the best course would be to drill every year one or more companies of each Battalion of the Sedentary Militia. In this manner the training of a large number of men might be effected, and all companies so drilled should, once at least in two years, if not in each year, be exercised in Battalion drill, so as to keep up their training.

I put forward these suggestions for the consideration of the Canadian Government and Parliament, but Her Majesty's Government have no desire to dictate as to details, or to interfere with the internal Government of the Colony. Their only object is to assist

and guide its action in the matter of the Militia, so as to make that force efficient at the least possible cost to the Province and to the Mother Country.

The Canadian Government will doubtless be fully alive to the important fact that a well-organized system of Militia will contribute much towards sustaining the high position, with reference to pecuniary credit, which in spite of its large debt and its deficient revenue for the past few years, the Colony has hitherto held in the money markets of Europe. A country which, however unjustly, is suspected of inability or indisposition to provide for its own defence, does not, in the present circumstances of America, offer a tempting field for investment in public funds or the outlay of private capital. Men question the stable condition of affairs in a land which is not competent to protect itself.

It may no doubt be argued, on the other hand, that the increased charge of a Militia would diminish rather than enlarge the credit of the Colony. I am convinced that such would not be the case if steps were taken for securing a basis of taxation sounder in itself than the almost exclusive reliance on Customs duties. It is my belief that a step in this direction would not only supply funds for the Militia, but would remove all apprehension which exists as to the resources of the Colony.

Whatever other steps may be taken for the improved organization of the Militia, it appears to Her Majesty's Government to be of essential importance that its administration and the supply of funds for its support should be exempt from the disturbing action of ordinary politics. Unless this be done there can be no confidence that, in the appointment of officers and in other matters of a purely military character, no other object than the efficiency of the force is kept in view. Were it not that it might fairly be considered too great an interference with the privileges of the representatives of the people, I should be inclined to suggest that the charge for the Militia, or a certain fixed portion of it, should be defrayed from the Consolidated Fund of Canada, or voted for a period of three or five years.

It has further occurred to me that the whole of the British Provinces on the continent of North America have, in this matter of defence, common interests and common duties. Is it impossible that, with the free consent of each of these Colonies, one uniform system of Militia training and organization should be introduced into all of them? The numbers of men to be raised and trained in each would have to be fixed, and the expenses of the whole would be defrayed from a common fund, contributed in fair proportion by each of the Colonies. If the Governor General of Canada were Commander-in-Chief of the whole, the Lieutenant Governors of the other Colonies would act as Generals of Divisions under him; but it would be essential that an Adjutant General of the whole force, approved by Her Majesty's Government, should move to and fro, as occasion might require, so as to give uniformity to the training of the whole, and cohesion to the force itself.

As such a scheme would affect more than one Colony, it must, of course, emanate from the Secretary of State, but Her Majesty's Government would not entertain it unless they were convinced that it would be acceptable both to the people of Canada and to the other Colonies; and they desire to know, in the first instance, in what light any such plan would be viewed by the Members of your Executive Council. I understand that the Lieutenant Governors of Nova Scotia and New Brunswick, availing themselves of the leave of absence lately accorded to them, intend to meet you in Quebec in the course of the ensuing month. This visit will afford you a good opportunity for consulting them upon this important question.

The political union of the North American Colonies has often been discussed. The merits of that measure and the difficulties in the way of its accomplishment have been well considered, but none of the objections which oppose it seem to impede a union for defence. This matter is one in which all the Colonies have interests common with each other, and identical with the policy of England.

I conclude by again urging upon you the necessity for an early decision upon this most important question. I should hear with very great satisfaction that your Government had decided upon advising you to summon the Parliament of Canada to meet at an early period so that the winter shall not pass over without obtaining from the Legislature such powers as may enable you to commence a well arranged Military organization of the Provinces, and prepare for such emergencies as, though they cannot be accurately foreseen, it must be evident to everybody, may possibly arise, and are at present very inadequately provided for. It is in time of peace that preliminary measures of defence should be



perfected, so that in the event of war they may be found so far ready as to ensure that an enemy shall not obtain a footing in the country, before aid is forthcoming from other portions of the Empire.

I have, &c.,

(Signed),

NEWCASTLE.

Governor Viscount Monck, &c., &c., &c.

*Lord Monck to the Duke of Newcastle, October, 1862.*

(Copy, No. 147.)

GOVERNMENT HOUSE,  
Quebec, October 30, 1862.

MY LORD DUKE,—Your Grace is already aware of the receipt by me of your despatch No. 163, of August 21st, on the subject of the Militia organization in Canada.

2. Immediately on receiving that despatch I referred it to my Executive Council for their consideration and report. I did not press for any immediate answer, as the subject is one of considerable present importance, and opens up questions calculated to exercise great influence on the future relations of the Empire and the Province. The recent advent to power of my present Advisers rendered it therefore only a matter of fairness that full time should be allowed them to discuss and decide an issue of so much moment.

3. A short time since the Ministry announced to me that it was the intention of two prominent Members of the Executive Council to proceed soon to London, as a delegation from the Government of this Province to Her Majesty's Government, on important Colonial business. As the departure of these gentlemen from Canada would necessarily adjourn the consideration of the subject of Militia organization until their return, I requested that before the Executive Council should be deprived of their assistance the Government would furnish me with a report on the despatch of Your Grace, and a statement of their policy in reference to the matters alluded to in it.

4. I have now the honor to transmit to Your Grace the accompanying Report of the Executive Council, authenticated by my signature, on the despatch referred to it.

5. I will not enter into the discussion of any abstract theories as to the relation which should subsist between England and Her Colonies in reference to Colonial defence, because Your Grace's despatch is professedly only suggestive, and does not seek authoritatively to fix the degree in which the Mother Country and the Colony should each contribute to that object, and the admission on the part of the Colonial Government that *anything* should be done by them in the way of defensive preparation is a proof that the difference of opinion, if any, existing between Your Grace and the Executive Council of Canada is one of degree only and not of principle. I think, too, that it is my duty rather to apply myself to the practical propositions put forward. I will therefore proceed to put Your Grace in possession of my opinion as to the efficiency of the plan of organization embodied in the accompanying Report.

6. In order to make my remarks fully understood, I must draw your attention to the present condition of the Militia Force of the Province as regulated by existing law.

7. Your Grace is aware that what is called the Sedentary Militia embraces the whole male population of the Colony between the ages of 18 and 60. The men are divided into battalions, regularly officered; but from the circumstance that this battalion organization is territorial in its character, it is obvious that it is not available for the purpose of actual service, because if you called out for service a battalion of the Sedentary Militia you would deplete of its male inhabitants the district to which the battalion belonged, and would leave wholly untouched the population of the surrounding districts.

8. It is therefore evident that in the event of circumstances arising which would necessitate the calling out of the Militia for defensive purposes, the regimental or battalion organization of the Sedentary Militia would afford no help towards embodying the men in battalions so as to render them useful for active service. Some mode of performing this necessary work would have to be extemporized at a moment of comparative alarm and con-

fusion, and the necessity for this would certainly cause great loss of time, if it would not lead to the entire failure of the attempt to raise an effective force.

9. I have entered into this explanation because I am convinced that the want of any preliminary organization pervading the whole country is the great difficulty which would have to be practically encountered, if Canada should now be compelled to defend herself against foreign attack, and that any system of preparation for defence which failed fully to meet this difficulty would be comparatively worthless.

10. The plan of the Government contained in the accompanying Report may be stated as follows :—

- (1.) Brigade Majors are to be appointed in each district.
- (2.) Drill Associations to be formed of officers and non-commissioned officers of Sedentary Militia, who are to be superseded if they refuse to learn their drill.
- (3.) Enrolment is to be secured of a fixed quota in each district of first class service men, in companies and battalions, with officers.
- (4.) Volunteers in future to be clothed, but none paid.
- (5.) Drill rooms, armories, and rifle ranges to be procured for the Volunteers, as circumstances permit.

It will be seen that the Executive Council proposes to deal with the difficulty above referred to in this manner. It proposes that the Brigade Majors throughout the country should secure the enrolment in companies and battalions, within their district, of such quota as should be appointed of the first class service men, unmarried men and widowers without children, between the ages of 18 and 45.

11. This enrolment appears to be entirely independent of the Volunteer or Active Force organization, and instead of consolidating and systematizing the voluntary action of the people, appears to me more likely to confuse their minds by the introduction of a third system of enrolment, in addition to that of the Sedentary Militia and the Active Force.

12. This enrolment is meant to supply the want of any organization now in existence by means of which, on a sudden emergency, a portion of the Militia might be embodied for active service in a short space of time ; but unless the men whose names are enrolled are put on the same footing with regard to their engagement for services as the Active Force who bind themselves to serve for five years, there is no security that the enrolment will ever produce any practical result, as there is nothing to compel the enrolled men to serve when called on.

13. There does not appear to be any inducement held out to men to place their names on these lists, or to serve when called on, in the way of supplying them with arms, clothing, or any other benefit to excite or maintain a military spirit amongst them. It is in fact an attempt to reintroduce, in a worse form, class B of the Active Force, which it is proposed by this Report to abolish, on the ground of the unsatisfactory manner in which the distinction of classes in that force operated. (Class B in the Active Force is that portion of the Volunteers which has hitherto served without pay, in contradistinction to Class A, which received a certain amount of pay each year.) I therefore think the measure would prove entirely nugatory, and that without some inducement no men would give their names, and that it will therefore fail to provide what I feel certain is the great desideratum of the defensive force in Canada, namely a machinery erected in time of peace by means of which at the approach of war an organized and embodied force could be at short notice turned out.

14. The plan proposed does not, as regards system or organization, touch the Volunteer Force of the country at all ; nor does it propose to give any effectual form or direction to the excellent spirit by which the people are animated.

15. On the whole I cannot conceal from Your Grace my opinion that, as regards the cardinal necessity of the time—a systematic organization of the Forces of the Colony for defensive purposes,—the plan indicated by the Government contains no principle calculated to produce effective results, and that the only attempt made to grapple with the difficulties of this portion of the subject will prove completely illusory.

16. With respect to the other proposals of the Government I do not find any fault. It is highly desirable to foster a military spirit in, and to promote the acquisition of military knowledge by a people circumstanced as the Canadians are, and the measures proposed to be adopted seem to me, as far as they go, calculated to promote these ends.

17. I entirely approve of the abolition of the distinction between Class A and Class B

in the Active Force, and of the proposal that in future the Government shall supply to the Volunteers everything necessary for their equipment and drill—Class A of the Volunteers giving up for the future their distinctive claim for pay, and being put on the same terms as Class B.

18. The question of Militia organization has been argued all through this Report as if the only choice that existed, consistent with the maintenance of a moderate expenditure on the Militia, was between the plan indicated by the present Government and that brought forward by my late Advisers and rejected by Parliament. In order that there may be no misapprehension on this point, I beg leave to place before Your Grace the enclosed "Heads of a plan for the organization of a Militia Force of 50,000 men," a copy of which I gave the head of the Government when I desired a report on your despatch.

19. It will be seen from the estimate appended to this Memorandum, that supposing the expense to be spread over a period of five years, the annual cost to the Colony of this system would not be much, if at all, beyond the sum appropriated for Militia purposes in the last Session.

20. Although the supply of men by means of ballot is named in this Memorandum, as an alternative if a sufficient number should not be produced by the plan of volunteering, it forms no essential part of the scheme, and my own confident conviction is, that so loyal is the spirit of the people, and so strong their desire to put themselves in a position effectively to defend their homes and institutions, that the number of men proposed to be raised would have been easily obtained by the voluntary action of the population.

21. Under this plan it was proposed to leave the drill to the spontaneous desire of the people for learning it; to provide with them all the means of acquiring military knowledge, and permit them to adopt the times and seasons most convenient to themselves for its acquisition.

22. I have a strong conviction that if this or some similar plan were put in operation, a very large amount of drill would voluntarily be submitted to by a considerable proportion of the inhabitants of Canada. The Citizen Soldiers of the Province would become personally interested in improving their discipline, and increasing their knowledge of the military art; a spirit of emulation amongst different corps would arise. The complete battalion organization would enable the different regiments to turn out for field exercise on holidays and other periods at which they might desire to do so. And on the first outbreak of war the Province would have an army possessed, not only of the will, which is common to all Canadians, but of the power to insure that an enemy should not obtain a footing in the country before aid is forthcoming from other portions of the Empire.

23. And all this would be done by merely giving systematic form to the voluntary action of the people, without in any way interfering with their industrial pursuits, trenching on their personal freedom of action, or imposing additional pecuniary burdens on the Province.

24. With regard to the suggestion contained in Your Grace's despatch as to the consolidation into one Force of the Militia of the British North American Provinces, I did not fail to consult the Lieutenant Governors of New Brunswick and Nova Scotia, when they were here last month. The conclusion we arrived at is similar to that expressed in the Report of the Executive Council of this Province, namely, that the means of communication are not as yet sufficiently easy to enable the three Provinces beneficially to avail themselves of the services of a common Head to their Militia Forces; so that even if other difficulties in the way of the plan did not suggest themselves, that would in itself be a bar to the scheme for the present.

I do not myself believe that the move would be acceptable, either to the Canadians or to the inhabitants of the Lower Provinces.

I have, &c.,

(Signed,)

MONCK.

*The Duke of Newcastle to Lord Monck.*

(Copy, Canada, No. 197.)

DOWNING STREET, 20th December, 1862.

Mr LORD,—I have the honor to acknowledge your despatch of the 30th of October,

forwarding a Report of your Executive Council upon my despatch of August 21st, accompanied by observations of your own upon that Report, and especially upon the plan which it contains for the further organization of the Canadian Militia.

I greatly regret to find that that plan, while effecting some improvements in the present system, will yet, as regards the systematic organization of the Force of the Colony for defensive purposes, prove, as you observe, "completely illusory."

You also lay before me heads of another plan for the formation of a Militia Force of 50,000 men, which I concur with you in regarding as a measure of a more substantial character, and more worthy of the great Province of Canada than that proposed by your Executive Council.

I shall not attempt to discuss the details of either of these schemes. I will only express an earnest hope that the patriotic spirit which animates the Volunteers of Canada may be turned to the best account for the defence of the country—an object which I conceive would be most effectually attained by forming them into battalions of the Active Militia Force, within defined divisions of the Province; not indeed to the exclusion of other volunteer associations, but with an eye in the first place to the completion of that territorial organization, which is, as you justly term it, "the cardinal necessity of the time."

I turn for a moment to the comments made by the Executive Council in their Report upon my despatch of 21st August last, one or two of which call for some observation from me.

The Report asserts that, "in the opinion of your Advisers, no Government could exist that would attempt to carry out my suggestions" for the raising of a force at least 50,000 "partially trained" Militia.

A sufficient answer to such an opinion is contained in the document with which you have furnished me, showing how the number mentioned could be provided at a cost which, if spread over five years, would scarcely exceed in any one year the small amount voted for Militia purposes in the last Session. Nor can I believe that the Canadian people would condemn a Government which should effectually provide for the defence of their country, even if the necessary expense should exceed the sum of £50,000 per annum.

The Report expresses great surprise at a suggestion made by me, that the charge for the Militia, or for a fixed portion of it, should be voted for a period of three or five years. Such a measure, they say, "will never, and ought never to be entertained by a people inheriting the freedom guaranteed by British institutions." If there are any reasons in its favor, they think that they are "in every sense as applicable in England as in Canada," and they conclude with the sentiment that "popular liberties are safe against military despotism wielded by a corrupt Government, only when they (the people) have in their hands the means of controlling the supplies required for the maintenance of a military organization."

I beg you will point out to your Ministers in reply to these observations, some material circumstances which have escaped their notice. The terms of my despatch show that I was well aware that the course in question, if adopted by the Legislature, would be, to a certain degree, a surrender of the strict constitutional rights of the Representatives of the people. It would probably, however, occur to them that popular liberties would be in little danger from a body of citizen soldiers while they remained within the Province, not only without exciting any such fears, but with the hearty approval of its people and Government, a force of regular troops, whose number would be fixed at the discretion of the Imperial Government, and whose cost would be defrayed by the Imperial Parliament. Again, if the number of Imperial troops were made to depend, by agreement with the Canadian Government, upon the number of Militia maintained by the Province, there would be nothing unreasonable in such an arrangement, and the Home Government might fairly (I do not say would necessarily) require that the funds for the purpose should be somewhat more permanently secured than by annual vote.

It is far from my wish (as seems to be suggested by the Report) to diminish the control of the Canadian Parliament over their own affairs; but on the other hand, the amount of exertion England could make with any advantage must depend very much on the manner in which that control is exercised—that is to say on the disposition to protect the Colony which is shown by the Provincial Government and the people of Canada.

It is difficult to see how, when my despatch contemplates legislation on the subject of

the Militia by the Canadians, and not the Imperial Parliament, the Executive Council can justify such grave apprehensions of an invasion of their liberties.

These considerations will show that the general doctrines referred to by the Report have little application to the present peculiar case of Canada, and little force against the suggestion of my despatch, which, however, I have no desire to press upon the attention of your Government, upon whom and the Parliament of Canada must rest the responsibility of providing adequate means for meeting the efforts of the Mother Country to secure the safety of Canada.

The report dwells at length upon the fact that the policy of the Empire in all its relations with foreign powers, upon which peace and war depend, is regulated by the Imperial Government and Parliament, over which Canada has no control. I agree with the Executive Council in regarding this circumstance as one of Primary importance, as lying indeed at the very root of the relations between the Mother Country and her Colonies with respect to military and naval defences. They cannot fail, however, to see that Canada, though liable, as they repeatedly point out, to be involved in Imperial wars in which she may have no immediate interest, has yet a manifest interest, under all circumstances, in contributing to maintain the power of the Empire of which she forms so important a part, and with which the maintenance of her own independence and of her commanding position in the world is so essentially connected.

The main security against aggression which Canada enjoys as a portion of the British Empire is the fact known to all the world, that war with Canada means war with England; not in Canada only but upon every sea and upon the shores, wherever situated, of the aggressive power itself. It does not therefore follow that this country can consent or afford to maintain an unlimited number of troops in Canada at her own cost, even in time of war, much less in time of peace, and it remains true that the defence of Canadian territory must depend mainly upon the Canadian people itself.

I have, &c.,

(Signed),

NEWCASTLE.

*The Governor General to the Duke of Newcastle.*

(Copy, No. 39.)

GOVERNMENT HOUSE, QUEBEC, 28th March, 1864.

MY LORD DUKE,—Referring to Your Grace's despatch No. 127, of December 9th, 1863, acquainting me that Your Grace had secured the sanction of the Secretary of State for War, for the employment of Regiments of H. M. Forces quartered in Canada, as schools of Instruction for the Officers of the Service Militia of the Province, as provided for by the Militia Act passed last Session, I have the honor to report to Your Grace that immediately on the receipt of that despatch I lost no time in placing myself in communication with the Lieutenant General commanding, on the subject.

With the concurrence of Sir F. Williams, I selected the 16th Regiment (1st Batt.) quartered at Toronto, and the 17th Regiment (1st Batt.) quartered at Quebec, for this service.

As I did not consider myself authorized to take any public step in the matter until I had received the sanction of the Imperial Authorities, some unavoidable delay occurred in making the necessary preparations with the military officers here, and also in arranging for the attendance of pupils at the opening of the Schools.

I have to inform Your Grace that the Schools opened at Quebec and Toronto, for the reception of Candidates for Militia Commissions, on the 1st March, and that there are now in attendance 70 pupils at the Quebec and 50 at the Toronto School.

I am informed by the Commandants that the candidates are making satisfactory progress in acquiring a knowledge of their drill.

There would have been no difficulty in obtaining a larger attendance of Candidates, but it was considered better not to send up too many at first, in consequence of the limited size of the Drill Sheds, (which are indispensable at this season of the year,) at our disposal, and other causes incidental to the novelty of the system.

A very large Drill Shed is now being erected here, at the expense of the Government,

and a similar building is being put up at Toronto, at the joint expense of the Government and the Corporation. Both these buildings will be soon available for the Schools, and will enable us to increase the number of pupils in attendance.

I enclose copies of a circular which I caused to be sent to the Majors of Brigade and others throughout the Province, and which embodies the rules under which the Schools are conducted.

I hope to send Your Grace, by the next mail, a tabular statement, shewing the number of men which it is proposed to enrol by ballot, and embody in Battalions throughout the Province, and the proportions in which they will be drawn from the several Counties.

As we get a sufficient number of Officers for each Battalion instructed in the school, it is proposed to call out the men for a certain number of days training in each year.

I have, &c., &c.,

(Signed,)

MONCK.

His Grace, the Duke of Newcastle.

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*Mr. Cardwell to Lord Monck.*

(Copy, Canada, No. 14.)

DOWNING STREET, 21st January, 1865.

MY LORD,—Her Majesty's Government are unwilling, under the present circumstances, to press upon the Government of Canada any decision which can with prudence be postponed upon a subject of so much importance to the future welfare of the British North American Provinces, as the subject of the defence of Canada. They are sensible of the considerations which render it expedient to wait for such a decision, until some further progress shall have been made in the discussion of the proposal for the Union of those Provinces, and until it shall have been ascertained whether the question is to be considered by the Ministers of the United British North American Provinces, or by the Ministers of Canada alone.

But without anticipating that any causes of difference are likely to disturb our present friendly relations with the Government of the United States, they think it necessary to bear in mind the vast accession which has recently been made, and still continues to be made, to the military forces of that powerful country. They cannot forget the very small proportion which the numerical strength of British troops, on the North American Continent bears to the force which might at any moment be brought into the field against them. It would be a cause of just reproach against the British Government if those troops were suffered to remain in a position which, on the outbreak of war, they might not be able to hold until the military and naval resources of the Country could be made available for their support.

These considerations seem to Her Majesty's Government to render it absolutely necessary that the defences of Quebec should be materially strengthened and without delay. They intend, therefore, on their own part, to include in the Estimates of the present year a vote for improving the defences of Quebec.

The proposed defences at Montreal are so important to the general safety of the Province, and to the maintenance of the communication between the Districts West of Montreal, and the naval and military power of the Mother Country, that Her Majesty's Government trust that they may look with confidence to the Government of Canada for the immediate construction of these Works.

Her Majesty's Government will be prepared to provide the armaments for the Works at Montreal as well as those at Quebec.

I have, &c.,

(Signed,)

EDWARD CARDWELL.

(Enclosure in No. 1.)

COPY of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Governor General on the 24th March, 1865.

The Committee respectfully recommend that four Members of Your Excellency's Council do proceed to England to confer with Her Majesty's Government :

1st. Upon the proposed Confederation of the British North American Provinces, and the means whereby it can be most speedily effected :

2nd. Upon the arrangements necessary for the Defence of Canada, in the event of war arising with the United States, and the extent to which the same should be shared between Great Britain and Canada.

3rd. Upon the steps to be taken with reference to the Reciprocity Treaty, and the rights conferred by it upon the United States

4th. Upon the arrangements necessary for the settlement of the North-West Territory and Hudson Bay Company's claims

5th. And, generally, upon the existing critical state of affairs by which Canada is most seriously affected.

The Committee further recommend that the following Members of Council be named to form the Delegation, viz : Messrs. Macdonald, Cartier, Brown and Galt.

Certified,

WM. H. LEE, C. E. C.

To His Excellency the Right Honorable Viscount MONCK, Governor General of British North America, &c., &c.

*May it please Your Excellency—*

The undersigned having, by Order of Council of 24th March, 1865, been appointed a Committee of the Executive Council of Canada to proceed to England and confer with Her Majesty's Government on certain subjects of importance to the Province, sailed for England in April last ; and having discharged the duty intrusted to them and returned to Canada, we now beg to submit, for Your Excellency's information, a statement of our proceedings while in London.

The circumstances under which this mission became necessary are doubtless fresh in Your Excellency's recollection. For a considerable time past, in view of the Civil War going on in the United States, and the impossibility of anticipating what international questions might at any moment arise, Her Majesty's Government felt it their duty from time to time to direct the attention of the Government of Canada to the insecure position of the Province in the event of disturbed relations unhappily resulting, and to urge the adoption of protective measures. In these communications it was not concealed that Her Majesty's Government expected the people of Canada to assume more onerous military duties than they had previously borne. Your Excellency's Advisers were always prepared frankly to consider these proposals, and to submit for the approval of Parliament such measures as might be found just and reasonable. But they felt at the same time that to secure the hearty assent of Parliament and the country for any important changes in the military relations between the Parent State and the Colony, an explanation on the whole subject should first be had, so that a clear understanding as to the share of defence to be borne by each might be arrived at, and all ground of irritating and hurtful reproach for alleged neglect of duty by the Colony, entirely removed. In view also of the anticipated early union of all the British North American Colonies—so well calculated to simplify the system of defence—the Government of Canada deemed it highly desirable that the settlement of this important question should be reserved for the action of the Government and Legislature of the new Confederation. Her Majesty's Government concurred in these views.

In the early part of this year, however, events occurred that changed the situation of affairs. The conference at Fortress Munroe for the cessation of hostilities, the disturbances on the Canadian frontier, the imposition of the Passport system, the notice given by the American Government for a termination of the convention restricting the Naval Armament on the Lakes and other events tended to revive and deepen the feeling of insecurity ;

and Her Majesty's Government urged the immediate erection of permanent works of defence at Quebec and Montreal—the cost of the former to be borne by the Imperial Treasury, and of the latter by the people of Canada. Your Excellency's Advisers were most anxious to meet the wishes of Her Majesty's Government, but they could not feel it their duty to propose to Parliament a vote for defensive works at Montreal while the defence of Upper Canada, on land and on the lakes, was unprovided for. The position of affairs was further complicated by the result of the New Brunswick elections, which postponed at least for a time, the union of the Provinces—and by the formal notice given by the American Government for the termination, in March next, of the Reciprocity Treaty. It became evident that the time had arrived and could no longer be postponed, for a full and frank explanation with Her Majesty's Government on the whole state of affairs; and with that view an immediate mission to England, with Your Excellency's assent, was resolved upon. The state of the case was forthwith communicated to the Legislative Council and Assembly, which were then in session: and Parliament was shortly after prorogued on the understanding that it would be summoned to learn the result of the negotiations and complete the business of the Session, so soon as the delegates returned from Great Britain.

On arriving in England we lost no time in placing ourselves in communication with Her Majesty's Secretary of State for the Colonies; and a Committee of the Imperial Cabinet, consisting of His Grace the Duke of Somerset, the Right Honorable the Earl De Grey and Ripon, the Right Honorable Wm. L. Gladstone, and the Right Honorable Edward Cardwell, having been appointed to confer with us, negotiations were opened and continued at frequent interviews, up to the close of our mission.

The subject to which we first invited the attention of the Conference was the proposed Confederation of the British North American Colonies. We reminded the Imperial Ministers how largely all the questions, with the discussion of which we were charged—and especially those of defence, Foreign Commercial relations, and internal communication—would be affected by the Union, and how greatly their satisfactory settlement would be facilitated by it. We explained the reasons that existed for obtaining the assent of all the Colonies to the Union at an early date, and the promise to which the Government of Canada stood pledged to proceed without delay with Constitutional reforms for Canada alone, in the event of the larger measure failing to be obtained. We received at once from the Members of the Imperial Cabinet assurances of their hearty approval of the Confederation scheme, and of their anxious desire to promote its early accomplishment, by all the legitimate influence of the Imperial Government. In the discussion of the means to be adopted for effecting Confederation, we trust it is unnecessary to assure Your Excellency that the idea of coercing the Maritime Provinces into the measure, was not for a moment entertained. The end sought was to ascertain in what manner the question of Union in all its bearings, could be best brought under the full and fair consideration of our fellow Colonists, and the grave responsibility urged upon them, which they would assume by thwarting a measure so pregnant with future prosperity to British America so anxiously desired by the great mass of the people to be affected by it, and which had been received with such marked satisfaction by our fellow subjects throughout the British Empire. We received assurances that Her Majesty's Government would adopt every legitimate means for securing the early assent of the Maritime Provinces to the Union. In the course of these discussions, the question of the Intercolonial Railway came up as a necessary accompaniment of Confederation, when we sought and obtained a renewal of the promised Imperial guarantee of a loan for the construction of that work.

The important question of the future military relations between the Mother Country and Canada received earnest and grave consideration. Before entering on the discussion of details, we referred to the recent debates in the Imperial Parliament on the subject of Canadian Defences, and especially to the assertions confidently made by certain members of the House of Commons that Canada was incapable of efficient protection against invasion from her inland border. We explained the injury such statements tended to produce and the necessity of our ascertaining, as a preliminary step to our discussions, whether or not they were well founded. We asked that a Report on the whole subject of the defence of Canada, with plans and estimates, might be obtained from the highest Military and Naval authorities of Great Britain. Such a Report was obtained and communicated to us confidentially—and we rejoice to say that it was calculated to remove all doubt as to the



security of our Country, so long as the hearts of our people remain firmly attached to the British Flag, and the power of England is wielded in our defence.

On the part of Canada we expressed the desire that this plan for the defence of all parts of the Province should be taken as the basis of arrangement; and that a full and candid discussion should be had as to the share of the cost that ought to be borne respectively by the Imperial and Provincial Exchequers. We expressed the earnest wish of the people of Canada to perpetuate the happy existing connection with Great Britain, and their entire willingness to contribute to the defence of the Empire their full quota, according to their ability, of men and money. But we pointed out that if war should ever unhappily arise between England and the United States, it could only be an Imperial war, on Imperial grounds—that our country alone would be exposed to the horrors of invasion—and that our exposed position, far from entailing on us unusual burdens, should on the contrary secure for us the special and generous consideration of the Imperial Government. We explained, moreover, that though Canada continued to progress steadily and rapidly, it was a vast country, sparsely populated—that the difficulties of first settlement were hardly yet overcome—that the profits of our annual industry were to be found not in floating wealth, but in the increased value of our farms and mines—and that, at this moment especially, from the failure of successive crops, the effects of the American civil war on our commercial relations, and the feeling of insecurity to our position (greatly aggravated by statements of the defencelessness of the country in the British Parliament and by portions of the British Press)—Canada was laboring under a temporary but serious depression. We pointed out that, while fully recognizing the necessity and prepared to provide for such a system of defence as would restore confidence in our future at home and abroad, the best ultimate defence for British America was to be found in the increase of her population as rapidly as possible, and the husbanding of our resources to that end; and, without claiming it as a right, we ventured to suggest that by enabling us to throw open the north-western territories to free settlement, and by aiding us in enlarging our canals and prosecuting internal productive works, and by promoting an extensive plan of emigration from Europe into the unsettled portions of our domain—permanent security would be more quickly and surely and economically secured than by any other means. We did not fail to point out how this might be done without cost or risk to the British Exchequer, and how greatly it would lighten the new burden of defence prepared to be assumed at a moment of depression by the people of Canada.

Much discussion ensued on all those points, and the result arrived at, was, that if the people of Canada undertook the works of defence at and west of Montreal, and agreed to expend in training their militia, until the union of all the Provinces was determined, a sum not less than is now expended annually for that service, Her Majesty's Government would complete the fortifications at Quebec, provide the whole armament for all the works, guarantee a loan for the sum necessary to construct the works undertaken by Canada, and in the event of war undertake the defence of every portion of Canada, with all the resources of the Empire.

The question having arisen as to the time and order in which those propositions should be submitted for the approval of the Imperial and Provincial Legislatures, it appeared that no action could be taken upon them during the present year; and it was therefore deemed inexpedient to complicate the Confederation question by changing the basis of the Quebec Conference Resolutions, which might result from the present adoption of these propositions. The further consideration of the defensive works was accordingly deferred for the action of the Government and Legislature of the proposed British North American Confederation—but the assurance of Her Majesty's Government was at the same time given, that if circumstances arose to render an application expedient by Canada alone for the immediate prosecution of the works of defence, such application would be received in the most friendly spirit.

On the subject of the American Reciprocity Treaty we entered into full explanations with the Imperial Ministers. We explained how advantageously the Treaty had worked for Canada, and the desire of our people for its renewal; but we showed at the same time how much more advantageously it had operated for American interest—and we expressed our inability to believe that the United States Government seriously contemplated the abolition of an arrangement by which they had so greatly increased their foreign commerce,

secured a vast and lucrative carrying trade, and obtained free access to the St. Lawrence, and to the invaluable fishing-grounds of British America—and that on the sole ground that the Provinces had also profited by the Treaty. We explained the immediate injury that would result to Canadian interests from the abrogation of the Treaty; but we pointed out at the same time the new and ultimately more profitable channels into which our foreign trade must, in that event, be turned, and the necessity of preparing for the change if indeed it was to come. We asked that the British Minister at Washington might be instructed to state frankly to the American Government the desire of the Canadian people for renewal of the Treaty, and our readiness to discuss and favorably entertain any just propositions that might be made for an extension or modification of its conditions; we requested that the views of the American Government should be obtained at the earliest convenient date—and that His Excellency Sir Frederick Bruce should act in concert with the Canadian Government in the matter. The Imperial Government cordially assented to our suggestions.

The important question of opening up to settlement and cultivation the vast British Territories on the north-west borders of Canada, next obtained the attention of the Conference. Your Excellency is aware that the desire of the Government of Canada for a satisfactory and final adjustment of this matter has been often formally expressed. In Your Excellency's despatch, of 19th January, 1864, to the Colonial Secretary, the anxious desire of the Canadian Government was communicated "for some speedy, inexpensive, and mutually satisfactory plan," for settling definitely "the North-Western boundary of Canada," and the claim of Canada was asserted to "all that portion of Central British America, which can be shewn to have been in the possession of the French at the period of the cession in 1763."

In reply to this despatch, Mr. Cardwell, on the 1st July, 1864, requested to be informed whether the Government of Canada was prepared to assist in negotiations with the *Hudson Bay* Company with the view of accepting any portion of the Territory now claimed by that Company, and providing the means of local administration therein; and he suggested that if so prepared it would be desirable that some person duly authorized to communicate the views of the Canadian Government should be sent to England for that purpose.

On the 11th November, 1864, a Minute of Council was approved by Your Excellency, in reply to Mr. Cardwell's despatch. It set forth that the Government of Canada was ready and anxious to co-operate with the Imperial Government in securing the early settlement of the North-West Territories, and the establishment of local Government in its settled portions; but that in its opinion the first step towards that end was the extinction of all claim by the *Hudson Bay* Company to proprietary rights in the soil and exclusive rights of trade. It suggested that it was for the Imperial Government, and not for the Government of Canada, to assume the duty of bringing to an end a monopoly originating in an English Charter, and exercised so long under Imperial sanction, but that when the negotiations were brought to a close, the Government of Canada would be ready to arrange with the Imperial Government for the annexation to Canada of such portions of the Territory as might be available for settlement, as well as for the opening up of communications into the Territory, and providing means of local administration. Or should the Imperial Government prefer to erect the Territory into a Crown Colony, the Canadian Government would gladly co-operate in the opening up of communication into the Territory, and the settlement of the Country. The Minute finally suggested that the Honorable President of the Council while in England would communicate more fully to Mr. Cardwell the views of the Canadian Governments.

The negotiations that followed on this despatch, satisfied us of the impossibility of enforcing the end sought by Canada without long-protracted, vexatious and costly litigation. The *Hudson Bay* Company were in possession, and if time were their object, could protract the proceedings indefinitely; and Her Majesty's Government appeared unwilling to ignore pretensions that had frequently received *quasi* recognition from the Imperial Authorities. Calling to mind, therefore, the vital importance to Canada of having that great and fertile country opened up to Canadian enterprise, and the tide of emigration into it directed through Canadian channels—remembering also the danger of large grants of land passing into the hands of mere moneyed corporations and embarrassing the

rapid settlement of the country—and the risk that the recent discoveries of gold on the Eastern slope of the Rocky Mountains might throw into the country large masses of settlers unaccustomed to British Institutions—we arrived at the conclusion that the quickest solution of the question would be the best for Canada. We accordingly proposed to the Imperial Ministers that the whole British Territory east of the Rocky Mountains and north of the American and Canadian lines should be made over to Canada, subject to such rights as the Hudson Bay Company might be able to establish, and that the compensation to that Company (if any were found to be due) should be met by a loan guaranteed by Great Britain. The Imperial Government consented to this, and a careful investigation of the case satisfies us that the compensation to the Hudson Bay Company cannot, under any circumstances, be onerous. It is but two years since the present Hudson Bay Company purchased the entire property of the old Company; they paid £1,500,000, for the entire property and assets,—in which was included a large sum of cash on hand, large landed properties in British Columbia and elsewhere not included in our arrangement, a very large claim against the United States Government under the Oregon Treaty—and Ships, Goods, Pelts and business premises in England and Canada, valued at £1,023,569. The value of the territorial rights of the Company therefore in the estimation of the Company itself, will be easily arrived at.

The results of our communications with the Committee of Her Majesty's Government were placed, by Mr. Cardwell, in the form of a despatch to Your Excellency; that document bears date the 17th June, 1865, and has already reached Your Excellency's hands. It contains a correct statement of the result of the conference.

Although the subject was not specially referred to us, we did not fail to call the attention of the Colonial Minister to the anomalous position of foreigners who have settled in Canada and become naturalized subjects under our Provincial Statutes. Mr. Cardwell at once admitted the hardship of the case, and stated that it was the desire of Her Majesty's Government to remedy it, and that with that view he had referred the subject to the Law Officers of the Crown for their opinion as to the best mode of doing so.

It will be gratifying to many devoted subjects of Her Majesty throughout British America, whose fears have been excited by the language too often heard of late years, on the subject of Colonial Connection, that we received from Her Majesty's Ministers the assurance that the British Government acknowledge the obligation of defending every portion of Canada with all the resources at its command.

Such in brief is the outline of our communications with Her Majesty Government, and we cannot conclude this Report without gratefully acknowledging the distinguished consideration extended to us as the Representatives of Canada, not only by the Ministers with whom we were brought more directly in contact, but by many eminent personages with whom we had the honor of conferring on the object of our mission. To Mr. Cardwell we are especially indebted for unremitting kindness and attention. We are happy to believe that the result of our visit to England has been to inspire more just views as to the position and feelings of the Canadian people, and to draw closer the ties that have so long and so happily attached our Province to the Mother Country.

JOHN A. MACDONALD,  
GEO. ET. CARTIER,  
GEO. BROWN,  
A. T. GALT.

Quebec, 12th July, 1865.

*COPY of a Despatch from the Right Honorable Edward Cardwell, M.P., to Governor General Viscount Monck.*

(No. 95.)

DOWNING STREET, 17th June, 1865.

MY LORD,—I have the honor to inform your Lordship that several conferences have been held between the four Canadian Ministers who were deputed, under the Minute of your Executive Council of March 24th, to proceed to England to confer with Her Majesty's Government, on the part of Canada; and the Duke of Somerset, the Earl de Grey, Mr. Gladstone, and myself, on the part of Her Majesty's Government.

On the first subject referred to in the Minute, that of the Confederation of the British North American Provinces, we repeated on the part of the Cabinet the assurances which had already been given of the determination of Her Majesty's Government to use every proper means of influence to carry into effect without delay the proposed Confederation.

On the second point, we entered into a full consideration of the important subject of the defence of Canada, not with any apprehension on either side than the friendly relations now happily subsisting between this country and the United States are likely to be disturbed, but impressed with the conviction that the safety of the Empire from possible attack ought to depend upon its own strength and the due application of its own resources. We reminded the Canadian Ministers that on the part of the Imperial Government we had obtained a vote of money for improving the fortifications of Quebec. We assured them that so soon as the vote had been obtained the necessary instructions had been sent out for the immediate execution of the works, which would be prosecuted with despatch; and we reminded them of the suggestion Her Majesty's Government had made to them to proceed with the fortifications of Montreal.

The Canadian Ministers, in reply, expressed unreservedly the desire of Canada to devote her whole resources, both in men and money, for the maintenance of the connection with the Mother Country; and their full belief in the readiness of the Canadian Parliament to make known their determination in the most authentic manner. They said they had increased the expenditure of their Militia from 300,000 to 1,000,000 dollars, and would agree to train that force to the satisfaction of the Secretary of State for War, provided the cost did not exceed the last mentioned sum annually, while the question of Confederation is pending. They said they were unwilling to separate the question of the works of Montreal from the question of the works west of that place, and from the question of a naval armament on Lake Ontario. That the execution of the whole of these works would render it necessary for them to have recourse to a loan, which could only be raised with the guarantee of the Imperial Parliament. They were ready to propose to their Legislature on their return a measure for this purpose, provided that the guarantee of the Imperial Parliament were given now, and that they were authorized to communicate to the Parliament of Canada the assurance that, the occasion arising, England will have prepared an adequate naval force for Lake Ontario. They thought that if the guarantee were not obtained now it was probable that the Canadian Government and Parliament would think it desirable that the question of defensive works should await the decision of the Government and Legislature of the United Provinces.

On the part of Her Majesty's Government we assented to the reasonableness of the proposal that if the Province undertook the primary liability for the works of defence mentioned in the letter of Lieutenant-Colonel Jervois, and showed a sufficient security, Her Majesty's Government should apply to Parliament for a guarantee for the amount required; and we said that Her Majesty's Government would furnish the armaments for the works. But we said that the desire and decision of the Provincial Legislature ought to be pronounced before any application was made to the Imperial Parliament. On the subject of a Naval Force for Lake Ontario, we said that, apart from any question of expediency, the convention subsisting between this country and the United States rendered it impossible for either nation to place more than the specified number of armed vessels on the Lakes in time of peace. In case of war it would, as a matter of course, be the duty of any Government in this country to apply its means of Naval Defence according to the judgment it might form upon the exigencies of each particular time, and the Canadian Ministers might be assured that Her Majesty's Government would not permit itself to be found in such a position as to be unable to discharge its duty in this respect. This was the only assurance the Canadian Ministers could expect, or we could give.

Upon a review of the whole matter, the Canadian Ministers reverted to the proposal which has been mentioned above, that priority in point of time should be given to the Confederation of the Provinces. To this we, on the part of Her Majesty's Government, assented. In conformity, however, with a wish strongly expressed by the Canadian Ministers, we further said that if, upon future consideration, the Canadian Government should desire to anticipate the Confederation and to propose that Canada should execute the works, they would doubtless communicate to Her Majesty's Government that decision;

and we trusted that after what had passed in these conferences they would feel assured that any such communication would be received by us in the most friendly spirit.

On the third point, the Reciprocity Treaty, the Canadian Ministers represented the great importance to Canada of the renewal of that treaty, and requested that Sir F. Bruce might be put in communication with the Government of Lord Monck upon the subject. We replied that Sir F. Bruce had already received instructions to negotiate for a renewal of the Treaty, and to act in concert with the Government of Canada.

On the fourth point, the subject of the North-western Territory, the Canadian Ministers desired that that Territory should be made over to Canada, and undertook to negotiate with the Hudson Bay Company for the termination of their rights, on condition that the indemnity, if any, should be paid by a loan to be raised by Canada under the Imperial Guarantee. With the sanction of the Cabinet we assented to this proposal, undertaking that if the negotiation should be successful, we on the part of the Crown being satisfied that the amount of the indemnity was reasonable, and the security sufficient, would apply to the Imperial Parliament to sanction the agreement and to guarantee the amount.

On the last point, it seemed difficult that Her Majesty's Government should accept the assurances given by the Canadian Ministers on the part of Canada, that that Province is ready to devote all her resources both in men and money to the maintenance of her connection with the Mother Country, and should assure them in return that the Imperial Government fully acknowledged the reciprocal obligation of defending every portion of the Empire with all the resources at its command.

The Canadian Ministers, in conclusion, said, that they hoped it would be understood that the present communications did not in any way affect or alter the correspondence which had already passed between the Imperial Government and the Governments of the British North American Provinces on the subject of the Intercolonial Railway. To this we entirely agreed.

I have, &c.,

(Signed,)

EDWARD CARDWELL.

Governor General,

Viscount Monck, &c., &c.

(Copy, Canada, No. 103.)

DOWNING STREET, 24th June, 1865.

MY LORD,—I have the honor to enclose for Your Lordship's information, a copy of a despatch which I have addressed to-day to the Lieutenant Governors of the Maritime Provinces.

I have, &c.,

(Signed,)

EDWARD CARDWELL.

Viscount Monck,  
&c., &c., &c.

*Mr. Secretary Cardwell to the Lieutenant Governors of New Brunswick, Nova Scotia, Prince Edward Island, and the Governor of Newfoundland.*

(Copy.)

DOWNING STREET, 24th June, 1865.

SIR,—I have the honor to transmit to you the copy of a correspondence between Viscount Monck and myself, on the affairs of British North America, which have lately formed the subject of Conferences between Her Majesty's Government and a Deputation from the Canadian Government.

This correspondence having been presented to both Houses of the Imperial Parliament, by command of Her Majesty, I have to direct you to communicate it also to the

Legislature of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland, at its next meeting.

You will at the same time express the strong and deliberate opinion of Her Majesty's Government, that it is an object much to be desired, that all the British North American Colonies should agree to unite in one Government. In the territorial extent of Canada, and in the maritime and commercial enterprise of the Lower Provinces, Her Majesty's Government see the elements of power which only require to be combined in order to secure for the Province which shall possess them all, a place among the most considerable communities of the world. In the spirit of loyalty to the British Crown, of attachment to British connection, and of love for British Institutions, by which all the Provinces are animated alike, Her Majesty's Government recognize the bond by which all may be combined under one Government. Such an union seems to Her Majesty's Government to recommend itself to the Provinces, on many grounds of moral and material advantage, as giving a well founded prospect of improved administration and increased prosperity. But there is one consideration which Her Majesty's Government feel it more especially their duty to press upon the Legislatures of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland. Looking to the determination which this country has ever exhibited to regard the defence of the Colonies as a matter of Imperial concern, the Colonies must recognize a right and even acknowledge an obligation incumbent on the Home Government to urge with earnestness and just authority the measures which they consider to be most expedient on the part of the Colonies with a view to their own defence. Nor can it be doubtful that the Provinces of British North America are incapable, when separate and divided from each other, of making those just and sufficient preparations for national defence, which would be easily undertaken by a Province uniting in itself all the population and all the resources of the whole.

I am aware that this project, so novel as well as so important, has not been at once accepted in New Brunswick, Nova Scotia and Prince Edward Island with that cordiality which has marked its acceptance by the Legislature of Canada, but Her Majesty's Government trust, that after a full and careful examination of the subject in all its bearings, the Maritime Provinces will perceive the great advantages which in the opinion of Her Majesty's Government the proposed Union is calculated to confer upon them all.

I have, &c.,

(Signed,)

EDWARD CARDWELL.

*The Duke of Buckingham to Lord Monck.*

(Copy, Canada, No. 38.)

DOWNING STREET, 22nd February, 1868.

MY LORD,—I have the honor to transmit to your Lordship a copy of a letter, in which the Secretary of State for War informs me that the Defence Committee, having lately had under consideration the Defences of Canada, have pointed out that, although great progress has been made in the works at Quebec, which have been undertaken by the Imperial Government, no measures have as yet been adopted for the defence of other vital points in the Dominion of Canada. The Secretary of State for War recapitulates some of the points at which defensive works are required.

I have to request that you will bring this subject before your Ministers, from whom I doubt not that it will receive the attention which its importance deserves.

I have, &c.,

(Signed),

BUCKINGHAM AND CHANDOS.

Governor the Right Honorable Viscount Monck,  
&c., &c., &c.

*The Earl of Longford to the Under Secretary of State, Colonial Office.*

(Copy, Canada 5, 880.)

WAR OFFICE, 5th February, 1868.

SIR,—I am directed by the Secretary of State for War to acquaint you, for the information of His Grace the Duke of Buckingham and Chandos, that the question of the defence of Canada having been lately under consideration, has led the Defence Committee to bring to his notice, that, although great progress has been made in the works at Quebec, which have been undertaken by the Imperial Government, no steps have as yet been taken for the defence of other vital points in British North America.

Sir John Pakington desires therefore to suggest, for the consideration of His Grace, the importance of urging upon the Government of Canada that no time should be lost in giving effect to the recommendations which have on previous occasions been made, for the construction of fortifications at Montreal, Kingston, and other places.

In connection with this subject, the attention of Sir John Pakington has been directed to the present defenceless state of St. John, New Brunswick. Situated at the mouth of the St. John River, the great artery of New Brunswick, the occupation of St. John by an enemy would virtually give him possession of that Province, and at the same time afford him a base of operations from whence he could cut off all communication either by the Intercolonial Railway or by other routes from Nova Scotia, through New Brunswick, to Canada. Thus, St. John is a place of great importance in connection with the general scheme for the defence of British North America.

Sir John Pakington would, consequently, draw the attention of the Duke of Buckingham to the subject, with a view, should His Grace see no objection, of also urging upon the Government of Canada that early measures should be taken for constructing such works as are essential for the proper defence of that place against attack, both by sea and land.

I am, &c.,

(Signed,)

LONGFORD.

The Under Secretary of State,  
Colonial Office.

*Extract of a Despatch from the Right Honorable Viscount Monck to the Duke of Buckingham, dated :*

(No. 43.)

OTTAWA, March 14th, 1868.

"Referring to Your Grace's despatch, (No. 40,) of February 22nd, I have the honor to transmit for your information a copy of an approved Minute of the Privy Council of Canada, respecting the propriety of again putting in commission the Provincial Gunboats on the Lakes and the River St. Lawrence, during the approaching summer.

"I entirely agree with the view of this question adopted by the Privy Council.

"The Fenian organization in the United States continues in full activity, and constant threats on their part of an intention of renewing the invasion of Canada reach me.

"I consider the maintenance of Gunboats on the Lakes and the River St. Lawrence the most inexpensive and effective measure that could be adopted for preventing any further attack, or for repelling it, should the invasion be attempted.

#### GUNBOATS.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General, on the 13th day of March, 1868.*

(Copy, No. 316.)

The Committee have had before them the despatch, dated 22nd February, 1868, from

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His Grace the Secretary of State for the Colonies, respecting the expediency of dispensing, this year, with manning from vessels of war in the St. Lawrence, any steamers hired by the Canadian Government, and of decreasing the Naval Force in that river.

The Honorable the Minister of Militia reports that, as from information in the possession of the Canadian Government, it appears that the Fenian organization in the United States has not only not ceased to exist, but is being actively carried on, and that some future invasion of Canadian soil is contemplated by them, he does not consider that a reduction of the Naval Force on the St. Lawrence should at present take place, but he deems it necessary that Gunboats should, on the opening of navigation, continue to be manned as heretofore.

Your Committee concur in opinion with the Minister of Militia, and submit the same for Your Excellency's approval.

(Signed)

W. H. LEE,  
Clerk, P. C.



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## SUPPLEMENTARY RETURN

To an Address of the HOUSE OF COMMONS, dated 18th March, 1868; for Copies of all Correspondence which may have taken place between the Imperial Government and the Government of the late Province of Canada, since February, 1863, on the subject of Colonial Military Expenditure and Military Defence of the late Province of Canada, and between the Imperial Government and that of the Dominion, since 1st July, 1867, on the same subject.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, April 16th, 1868.

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*COPY of a Report of a Committee of the Executive Council, approved by His Excellency the Governor General, 30th October, 1862.*

The Committee of the Executive Council have had under their consideration the Despatch of His Grace the Duke of Newcastle, of the 22st August last.

In this Despatch His Grace directs attention to the present state of the defences of this Province, to the anxiety which is entertained by the British Government in regard to them, and to the measures which, in His Grace's judgment, are necessary on one hand to fulfil the expectations of Great Britain, and on the other, to place Canada in a position to meet any emergency. His Grace alludes to the misapprehension produced in the minds of the English people by the rejection of the Militia Bill, prepared by their predecessors, justly remarking, however, that that proceeding on the part of the Provincial Parliament does not afford evidence of an unwillingness to make proper provision for the defence of the Province.

Whilst disclaiming both the right and the desire to interfere in the politics of Canada, His Grace urges the importance of speedily resuming "measures for some better military organization of the inhabitants of Canada, than that which now exists," and he proceeds to set forth certain suggestions of Her Majesty's Government in reference to this subject. The opinions of Military authorities are appealed to to shew that any Troops furnished by England would be unequal to the protection of Canada without the efficient aid of its own people; and suggestions are offered in regard to the form in which this aid may be most advantageously rendered. His Grace states that the population capable of bearing arms should receive that organization and acquire that habit of discipline which constitute the difference between a trained force and an armed mob, and that Fifty thousand (50,000) "is the smallest number of men" which the Province should have in a state of partial familiarity with drill and other military duty. It is recommended that one Company of each Battalion of Sedentary Militia, or more, should be drilled every year, that the training of a large number of men may thus be gradually effected. Preparations of this character and to this extent are calculated, His Grace remarks, to maintain and improve the credit of the Province in the money markets of Europe. In conformity with

this view, His Grace expresses himself convinced of the desirableness of steps being taken to secure a basis of Provincial taxation apart from Customs duties; and the better to secure the permanence of such an organization as His Grace proposes, he recommends "that its administration and the supply of funds for its support should be exempt from the disturbing action of ordinary politics."

The expediency of defraying the charge for the Militia, or a certain fixed portion of it, from the Consolidated Fund of Canada, or voting it for a period of three or five years, is further suggested as a means of removing the Militia question from the arena of party politics.

Another aspect of the question is presented by His Grace, namely the desirableness of uniting the defensive measures of Canada with the defensive measures of the other British Provinces on the American Continent, "that one uniform system of Militia training and organization," may be introduced into all of them. Such a scheme, it is added, must emanate from Her Majesty's Government, and the opinion of Your Excellency's Advisers is desired in relation to it: His Grace being of opinion that a union for defence may precede any political union of the North American Colonies.

The Despatch of His Grace involves matters of the highest importance, and affirms a principle which for the first time comes in a practical shape before the people of Canada. Your Excellency's Advisers have not been unmindful of the discussions upon the subject which have taken place in the Imperial Parliament; but until now they have not been called upon to consider the principles of a policy so gravely affecting the relations of Canada to the Mother Country.

The friendly spirit in which His Grace has conceived his Despatch will be cordially reciprocated by the Canadian people. The promptitude and liberality with which Her Majesty's Government provided for the protection of the Province when, on a recent occasion, danger seemed to menace it, are fully appreciated, and it is gratifying to know that the loyalty and ardor manifested by Canada in an emergency, which her people had done nothing to produce and were wholly unable to prevent, are in turn duly understood and valued by the Home Government.

It is not doubted that the same mutual regard and confidence will be exhibited in any communication or negotiation which may follow His Grace's Despatch. At the same time, however, it is felt that in dealing with a question affecting so deeply the present and future welfare of the Province care should be taken to base any arrangement that may be entered into upon something more solid than sentiment, more enduring than any proposal, not recognizing the rights and interests of the Canadian people.

Before proceeding to express an opinion upon the propositions contained in His Grace's Despatch, Your Excellency's Advisers cannot refrain from recalling the circumstances under which they assumed the responsibilities of office. Their predecessors, they cannot forget, presented to Parliament a scheme which failed to obtain the support of that body, and which, so far as can be ascertained, was extremely distasteful to the country. It failed of success not only on the ground that the method of enrolment proposed was in itself highly objectionable, but because it established a machinery cumbrous in its character, at variance with the habits and genius of the Canadian people, and entailing an expenditure far in excess of the sum which the Legislature and the people have declared themselves willing to provide. The rejection of the measure by a majority of the Legislative Assembly was the result, not of party combinations but of a deliberate conviction that its principle was unadapted to the occasion, that the more striking of its features were obnoxious to the Province, and that the financial resources available for military purposes were unequal to the outlay that would have followed the enactment of the Bill.

The Volunteer Organization, Your Excellency's Advisers were convinced, is that alone through which the military spirit of the people must find vent in a period of peace. In case of an actual emergency Your Excellency's Advisers are persuaded the response to an order calling out the Militia would be unanimous. But there is a decided aversion to compulsory service except in the presence of actual danger.

With their knowledge of the unwillingness of the people to act under a compulsory system, with the very strong and general expression of preference for the Volunteer System, which secures to them the choice of company officers, and with the proofs of the growing vigor of the Volunteer organization under circumstances of obvious encourage-

ment, Your Excellency's Advisers first entered upon the consideration of the question which had led to the defeat and resignation of their predecessors. The view entertained by Parliament, and as its Members believed, reflected in the disposition of the people, is that which commended itself to the judgment of the Executive Council. They addressed themselves to the subject therefore, anxious to lay the foundation of an efficient defensive organization, but convinced of the necessity of consulting the public will, so far as the voluntary nature of the organization is concerned, and convinced also of the necessity of so adjusting the expenditure as not to add to the embarrassments which were then and still are amongst the chief obstacles to every new enterprise originating with the Government.

In this spirit, amendments were made to the Militia Law previously in force; the aim of the new Government being to infuse vitality under the voluntary branch of the service, to encourage the formation of Volunteer Companies in rural districts, and to provide measures for the better disciplining of the force. The appropriation by Parliament for these purposes was largely in excess of the vote for the previous year, and was fully as large as the circumstances of the Province would justify a Government in asking at the hands of the Legislature except in the presence of emergencies which as yet do not exist. In 1861 the appropriation was \$84,970; in 1862, \$250,000.

Faithfully carrying out this line of policy, no time was lost in taking steps to ascertain the actual condition of the Volunteer Force, as preliminary taking steps for its improvement.

An officer of experience and ability was intrusted with the task of inspecting and reporting upon the active companies, and his enquiry is on the point of completion. In addition, Drill Instructors have been detailed at a considerable cost to the Province for the better training of volunteers. To what extent these measures have been productive of benefit does not yet fully appear. It is known, however, that the Drill instruction has been turned to a good account, and that the visits of the officer alluded to (Colonel Wily), in connection with the more thorough drill, have stimulated the desire for further companies and for the thorough effectiveness of those already recognized. Enough is known to justify the statement that immediately after the Receipt of Colonel Wily's Report, a considerable number of new companies will present themselves for the sanction of Your Excellency.

Without entering into the minute details of plans not altogether matured, the Executive Council think proper to state in reference to the continued improvement of the Force—that the Act to amend the Militia Law provides that “the Commander in Chief may appoint Brigade Majors, not exceeding one for each Military District.” It is intended, with the least possible delay, to present to Your Excellency for approval a list of officers qualified to fill those important positions. The utmost care will be taken in the selection of individuals qualified by knowledge, experience and character for the proper discharge of the duties pertaining to the office.

These duties will include the inspection and control of such Volunteer Companies and Battalions as may be within the limits of each District, and the formation of Drill Associations to be composed of the officers and non-commissioned officers of the several Battalions of the Sedentary Militia with a view of conveying to them, to borrow the language of Your Excellency—“such a knowledge of, and proficiency in their drill and military duties as will enable them to impart from time to time the knowledge thus acquired to those who may be under their command.”

The Brigade Majors will further be instructed on assuming their duties to secure the enrolment of such quota as may be ordered from the First Class Service Men within the District, first into Companies, and whenever practicable, into Battalions under officers qualified to command them, and thus, in addition to the volunteers contemplated under the amended Act of last Session, an organization more efficient for calling out the First Class Service Men than any hitherto known may be expected.

A spirit of emulation will thus be produced which will assuredly tend to the general improvement of the companies of the several Battalions in discipline and drill. In no other way can this result be attained in the rural districts. It is also designed to obviate one of the principal causes of dissatisfaction among the larger proportion of volunteers by removing the distinction hitherto maintained between classes A and B of the Volunteer Force; so that, without injustice to class A, class B may be placed in the possession of advantages until now withheld. Under the intended change the two classes will be

placed on an equality in respect of the supply of clothing which will in future be furnished to all. As the clothing has been the chief difficulty in the way of the formation of Volunteer Companies it is believed that the supplying of it by the Government, coupled with a payment in lieu of clothing to Companies already provided with uniforms, will prove in the highest degree satisfactory. Nor are the Executive Council unmindful of the reasonable claim, which, under certain circumstances, may be preferred by Volunteer Companies for the construction or acquisition of armouries, rifle ranges and drill rooms. It is considered unwise, however, to make any general promise upon these points, or to pledge the Province to any considerable expenditure on account of them. The need really exists only in central localities, the demand of which will be duly considered and acted upon from time to time.

The importance of battalion drill is too obvious to be denied. Its enforcement must, however, be regulated by its practicability. In the cities and larger towns it may be carried on not only without additional cost, but without entailing upon the volunteers extra sacrifices or trouble. In the rural districts the case is different, with a sparse population averaging less than three inhabitants to the square mile throughout Canada, engaged in agricultural pursuits and for the most part struggling with the hardships and difficulties incident to a country in which capital is scarce, and a large portion of which remains to be reclaimed, any drill remote from the residences of the volunteers is impossible. It is not simply a question of pay, nothing is more certain than the unwillingness of volunteers so situated to absent themselves from their immediate neighborhoods for purposes of military instruction, not merely because of their inability to dispense with pay, but because of the extent to which the absence would interfere with pursuits that cannot be interrupted without injury to themselves and loss to the country. Their farms require their unremitting attention, the scarcity of hired labour being too serious and constant to allow of absence on the part of the settlers themselves. In the event of war, no doubt these hindrances would not keep back the able bodied population from the service of the country, but they are averse to interference, except on occasions of great necessity, and in the opinion of the Executive Council it is not desirable to excite discontent amongst them by any premature attempts to exact compulsory service.

The Battalions in the Province number four hundred and sixty-three, with officers and non-commissioned officers amounting in the aggregate to twenty-seven thousand seven hundred and eighty, on an average of sixty to each Battalion. Assuming that of these an average of three-fourths obey the order for drill instruction in the manner already indicated, a total of twenty thousand eight hundred and thirty-five will be qualified for general drill instructors.

The argument against enforced drill as applied to the rank and file of the Militia does not bear upon the officers of the Sedentary force who now hold commissions. They at any rate, may be required to qualify themselves, and it is intended very shortly to call upon them to undergo drill, in the manner already indicated, that they may be prepared at any moment to enter upon the discharge of the duties attaching to their several positions. Desiring the honor of Militia distinction they must make up their minds to prove their fitness for it; and failing to do this, the Executive Council think that there should be no hesitancy in setting them aside and replacing them with worthier men.

Your Excellency's Advisers have thus endeavored to exhibit the policy, which in their judgment is best suited to the circumstances of the Province and the habits of its people. They point with confidence to what they have done, and what they are prepared to do as evidence of the determination to fulfil their duty in regard to the defence of the Province. They have held office less than five months and their exertions during that brief period have been neither slight nor unproductive.

Whatever differences of opinion exist here or in England as to the merits of particular parts of their scheme, at least they have proved how fully they appreciate the importance of the subject of His Grace's Despatch; and they look forward without any misgivings to the realization of results which will vindicate the wisdom, patriotism and loyalty of the course they have pursued.

Unquestionably the plan proposed is in part experimental. Everything of the kind must be so at the outset. Military tastes and aspirations have not been cherished by our people, and the attempt is now for the first time to be made to accustom them to labours

and duties other than those of peaceful life. In entering upon this task, the Government cannot too carefully consult the feelings and habits of those on whom reliance must be mainly placed in the presence of danger—the more youthful and active part of the population embraced in the Sedentary force. The question for the Government to consider is how best to accomplish this end, and time and experience are required, not only to test the sufficiency of measures now, or soon to be in operation, but to remove the prejudice with which military service is regarded and to enable those charged with the administration of affairs to ascertain the feasibility of a more extended scheme. It is possible that some further legislation may be called for to remedy defects which only experience can reveal, and Your Excellency's Advisers will be prepared to address themselves to the subject as soon as it shall come before them in a practical shape, adhering faithfully to the general principles of the policy herein set forth, but widening and modifying their action in conformity with the teaching of their present trial.

The proposal of His Grace to organize and drill not less than fifty thousand men is not now for the first time presented to the Province. The measure prepared by the late Government and rejected by the Legislature, contemplated the formation of a Force to that extent, and Your Excellency's Advisers cannot disguise their opinion that the Province is averse to the maintenance of a force which would seriously derange industry and tax its resources to a degree justifiable only in periods of imminent danger or actual war.

The people of Canada doing nothing to produce a rupture with the United States, and having no knowledge of any intention on the part of Her Majesty's Government to pursue a policy from which so dire a calamity would proceed, are unwilling to impose upon themselves extraordinary burthens. They feel, that should war occur, it will be produced by no act of theirs, and they have no inclination to do anything that may seem to foreshadow, perhaps to provoke, a state of things which would be disastrous to every interest of the Province. On this ground their Representatives in Parliament assembled, rejected the proposition to organize fifty thousand men, or indeed, to commit the Province to a much smaller force, and recent elections in various localities embracing more than one-third of the population of the Province, have shewn that in this respect public feeling has undergone no change. So far as is known, not a single Candidate has ventured to declare himself in favor of a measure so extensive as that which was prepared by the late Government, and is now again recommended by His Grace. Your Excellency's Advisers therefore find themselves fortified by public opinion. Their own estimate of what is required, and of what may most advantageously be done, is confirmed by the calm judgment of the people. His Grace recommends "a basis of taxation sounder in itself than the almost exclusive reliance on customs duties," the evident intention being, by direct taxation, to obtain an increase of income commensurate with the increase of expenditure which would follow the organization of the large force proposed.

Without entering into a discussion of the relative merits of direct and indirect taxation, Your Excellency's Advisers feel that it would not be prudent suddenly, or to any large extent, to impose direct taxation for Military purposes. This is not the occasion for adopting a principle hitherto unknown in the fiscal policy of the Province; and assuredly this is not the time for plunging into an experiment for which the people of the Province are unprepared. No more serious mistake can be committed than to conduct an argument upon the supposition that the ability of the Canadian people to sustain taxation is greater than has hitherto been acknowledged in the fiscal arrangements of the Government. The wealth of the country is in its lands. If the people are in the enjoyment of comparative wealth it is so invested as to be not readily available for the production of a large money income. Your Excellency's Advisers believe that no Government could exist that would attempt to carry out the suggestion of His Grace for the purpose designed.

The maintenance of the Provincial Credit abroad is undoubtedly an object which the administrators of the affairs of the Province should at any cost accomplish. Your Excellency's Advisers submit that their various measures demonstrate the sincerity with which they are striving to preserve the public credit unimpaired. They contend, however, that not the least important of the agencies to be employed to this end is the exhibition of a due regard to the means at the command of the Province. They hold that they are more likely to retain the confidence of European Capitalists by carefully adjusting expenditure

to income, than by embarking in schemes, however laudable in themselves, beyond the available resources of the Canadian people. That they are not unwilling to try to the utmost to comply with the suggestions of the Imperial Government is evidenced by the manner in which the projected Intercolonial Railway has been entertained. Their conduct in this matter should relieve them from every imputation. At the same time they insist that they are and must be allowed to be the best judges of the pressure which the Provincial credit can sustain. They are prepared, subject to certain conditions, to encumber this credit with liabilities arising out of the Intercolonial Railway, but they are not prepared to enter upon a lavish expenditure to build up a Military system distasteful to the Canadian people, disproportionate to Canadian resources, and not called for by any circumstances of which they at present have cognizance.

Another suggestion embraced in His Grace's Despatch is well calculated to excite surprise. Your Excellency's Advisers allude to that portion of the Despatch in which His Grace proposes to remove the control of funds required for Militia purposes from the Domain of Parliament.

His Grace is evidently aware that the proposition wears the aspect of an "interference with the privileges of the Representatives of the people," and it is certain that any measure liable to this construction never will be, and ought not to be, entertained by a people inheriting the freedom guaranteed by British Institutions. The Imperial Parliament guards with jealous care the means of maintaining the Military and Naval Forces of the Empire. Its appropriations are annually voted and not the most powerful Minister has dared to propose to the House of Commons the abandonment of its controlling power for a period of five years. If "the disturbing action of ordinary politics" is a reason for removing the final direction of Military preparation from Parliament, it is in every sense as applicable in England as in Canada. What the House of Commons would not, under any circumstances of danger, entertain, is not likely to be entertained by the Legislature of Canada. Whatever evils are incident to representative institutions, the people of a British Province will not forget that they are trivial in comparison with those which are inseparable from arbitrary authority. Popular liberties are only safe when the action of the people restrains and guides the policy of those who are invested with the power of directing the affairs of the country. They are safe against Military despotism wielded by a corrupt Government, only when they have in their hands the means of controlling the supplies required for the maintenance of a Military organization.

A union for defence is proposed by His Grace the Secretary of State for the Colonies. A union of the British North American Provinces for the formation and maintenance of one uniform system of Military organization and training, having a common defensive fund and approved by Her Majesty's Government; A union whose details would "emanate from the Secretary of State," and whose management would be entirely independent of the several local Legislatures.

Your Excellency's Advisers have no hesitation in expressing the opinion that any alliance of this character cannot at present be entertained. An Intercolonial Railway seems to be the first step towards any more intimate relations between the British North American Provinces than those which now exist. The construction even of this work is by no means certain. Although this Government, looking at it mainly as a means of defence, has entertained the preliminaries in common with Delegates from the Provinces of Nova Scotia and New Brunswick, it is premature just now to speculate upon the possible political consequences of an undertaking which may never be consummated. Certain it is, however, that there can be no closer Intercolonial Union of any kind until increased facilities for inter-communication are provided; and equally certain that the Provinces, supposing them to be hereafter united, will never contribute to an expensive system of defence unless it be subject to their own control. Speaking for Canada, Your Excellency's Advisers are sure that this Province will continue to claim the exclusive right of directing the expenditure of the public moneys.

Your Excellency's Advisers now turn to the general principle which underlies the argument of His Grace. That the right of self-government has for a co-relative duty the maintenance of provision for defence, is a proposition which in the abstract, is indisputable; but it is only indisputable in the case of Governments of States which are Sovereign in

themselves; as between a Colony and the parent State, it cannot be said to exist in the same sense.

A British Colony must submit to all the consequences of conflict produced by the policy which Her Majesty's Government may carry out in the interest of the Empire at large. It is not enough that a Colony, endowed with self-government, provides for the preservation of peace and order within its own boundaries. It is not enough that a Colony so situated must endure all the consequences of a line of action which its own Legislators have no voice in originating and towards the termination of which they can do nothing. A further responsibility is held to attach to the Colonial relation. The Colony although the theatre of ruinous hostilities, must furnish its quota in aid of the Imperial Army and contribute a share to the attendant expenditure.

In the case of Canada the strongest advocates of the new theory of the Colonial relation are compelled to admit that an exception to the general rule must be made. Even they who demand the withdrawal of all Troops from self-governing Colonies are obliged to concede to some special allowance must be made in favor of Canada. Their reasons for an exceptional policy towards this Province are apparent; situated on the border of a vast and powerful Republic, with a frontier extending upwards of a thousand miles, with no deep back country to sustain it, and accessible in case of war at numerous points, it is admitted that Canada should be assisted to the full extent of the Imperial resources. The Despatch of His Grace seems in some measure to conflict with this view. His Grace while promising liberal assistance contends that any available supply of regular Troops would be unequal to the defence of the Province, and that "the main dependence of such a country for defence" must be upon its own people. Your Excellency's Advisers would not be faithful to their own convictions or to the trust reposed in them if they withheld an expression of their belief, that without very large assistance any efforts or sacrifices of which the people of the Province are capable would not enable them successfully and for any lengthened period to repel invasion from the neighbouring Republic. They have relied for protection in some degree upon the fact, that under no conceivable circumstances will they provoke war with the United States, and if therefore Canada should become the theatre of war resulting from Imperial Policy, while it would cheerfully put forth its strength in the defence of its soil, it would nevertheless be obliged to rely for its protection mainly upon Imperial resources. And in such an event it is their opinion that they would be justified in expecting to be assisted in the work of defence with the whole strength of the Empire.

It is not necessary at this stage of their history to put forward assurances of the readiness of the Canadian people to assume whatever responsibilities belong to them as subjects of Her Majesty. Their devotion has been exhibited too often to be open to doubt or depreciation. They have made sacrifices that should relieve them from suspicion, and which Her Majesty's Government should remember as a pledge of their fidelity. No portion of the Empire is exposed to suffering and sacrifices equal to those which would inevitably fall upon this Province in the event of war with the United States. No probable combination of regular Troops or Militia would preserve our soil from invading armies; and no fortune which the most sanguine dare hope for would prevent our most flourishing districts from being the battle field of the war. Our trade would be brought to a standstill; our industry would be paralyzed; our richest farming lands devastated; our towns and villages destroyed; homes, happy in peace, would be rendered miserable by war, and all as the result of events for the production of which Canada would be in no wise accountable.

Your Excellency's Advisers advert to these contingencies of our position, not to justify inaction but to shew the unfairness of demands predicated upon alleged selfishness and sloth on the part of Canada. They simply point to consequences which it is criminal to conceal and to dangers which it is folly to deny. So far as their own policy is concerned they are content to rely upon a fair interpretation of the measures they have adopted and others that are in contemplation.

They have reminded Your Excellency that the appropriation obtained from Parliament is as large as the state of the finances will allow it to be, and they have glanced at their plans for the purpose of proving the wisdom and justice of their course. Their anxiety is to do all that ought to be done, and to do this in a manner acceptable to the Province.

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They have a right to claim, therefore, that their exertions shall be considered in the temper and the light in which they have been undertaken. Confident that time will vindicate the sagacity of their measures and the loyalty of the Canadian people, they will be happy to learn that their efforts receive the approval of Her Majesty's Government.

Whether this hope be realized or not, they are satisfied that they are acting in conformity with the wishes and interests of the people whose confidence elevated them to their present responsible position, and whose will they are bound in all cases to respect.

The Committee of the Executive Council respectfully recommend that a copy of the accompanying Memorandum be transmitted by Your Excellency to the Secretary of State for the Colonies, as containing the views of Your Excellency's Advisers on the questions discussed in His Grace's Despatch of the 21st August, 1862.

Certified.

WM. H. LEE,  
C. E. C.



# RETURN

To an Address of the HOUSE OF COMMONS, dated 23rd March, 1868; for Copies of any Representations addressed to His Excellency the Governor General by Members of this House, respecting the mark of Royal Favor which Her Majesty has been pleased to confer upon them, and of all Despatches on the same subject, to or from Her Majesty's Principal Secretary of State for the Colonies.

By command.

HECTOR L. LANGEVIN.

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 17th April, 1868.

GOVERNOR'S SECRETARY'S OFFICE,  
Ottawa, April 3rd, 1868.

1. Hon. G. E. Cartier, 2nd July, 1867.
2. Hon. A. T. Galt, 3rd July, 1867.
3. Extract of a despatch from Lord Monck to the Duke of Buckingham, 12th July, 1867.
4. Duke of Buckingham, 14th December, 1867.
5. Hon. A. T. Galt, 4th January, 1868.
6. Do 7th January, 1868.
7. Do 11th January, 1868.
8. Hon. G. E. Cartier, 22nd January, 1868.

SIR,—I have the honor to enclose copies of the letters noted in the margin, to be presented to the House of Commons in answer to the Address (herewith returned) of the 23rd March, 1868.

I have the honor to be, Sir,  
Your obedient servant,  
RICHARD MONCK,  
*For the Governor General.*

Hon. H. L. Langevin,  
Secretary of State.

*Extract of a Despatch from the Governor General to the Duke of Buckingham:*  
(Copy.)

GOVERNMENT HOUSE,  
Quebec, July 12th, 1867.

MY LORD DUKE,—“I have the honor to transmit to Your Grace two letters from Mr. Cartier and Mr. Galt, respectively, requesting that Your Grace will obtain for them Her Majesty's gracious permission to decline accepting the honor intended for them.”

I have, &c.,  
(Signed,) MONCK.

His Grace,  
The Duke of Buckingham and Chandos,  
&c., &c., &c.

*Mr. Cartier to the Governor General.*

(Copy.)

OTTAWA, 2nd July, 1867.

MY LORD,—I beg that you will be kind enough to allow me to express to Your Excellency my most sincere feelings of gratitude for the honor so graciously conferred on me by Her Majesty, in the selection of myself as one of the Companions of the Bath, in connection with the Federal Union of the British North American Provinces, now forming the Dominion of Canada, and the expression of my grateful thanks. I cannot however, but observe to Your Excellency, that since January, 1855, I have had the honor and responsibility, except for a very short time, of being one of Her Majesty's Advisers in the former Province of Canada and that it has been my happy lot always to enjoy the confidence of the French Canadians and of the British inhabitants of Lower Canada, now the Province of Quebec, as their acknowledged political leader. It is for me a great subject matter of pride and also of satisfaction, that I am the representative man of one million of French Canadians, who, as well as the British population of the Province of Quebec, honor me with their confidence. During the period that I have just now mentioned, I have had the honor and responsibility of having been the Leader and Premier of the Government, during, perhaps, a longer continuous interval, than any other one who has had the same honor and responsibility. The Government of August, 1858, of which I had the honor of being the Premier, and which lasted nearly four years, adopted, amongst other things as their principal policy, the measure of the Confederation of the British North American Provinces. In the fall of 1858, the Hon. Mr. Galt, and the Hon. Mr. Ross, my then colleagues and myself, have had the honor of going to England as delegates to press, amongst other matters before the Imperial Government, the favorable consideration of the question of Confederation. I have never ceased to advocate and to urge the necessity of the Federal Union of the British Provinces, with the view of making them stronger, and at the same time with the view of binding them more closely to the monarchical rule of England. I have had more than any public man to contend in allaying the sensibilities of a large class of Her Majesty's subjects in Lower Canada. In reference to the question of Confederation, in fact, I jeopardized on that question my political position, and in Canada as well as in England, I did not spare labour and trouble to bring the scheme of Confederation to successful issue. As political leader and co-worker, my position is inferior to that of no other. I feel delighted, and every one is delighted in the high tribute of honor awarded by Her Majesty to my worthy colleague, the Hon. Sir John A. Macdonald. The inhabitants of the Province of Quebec will hear with joy that the principal political leader of Ontario has received such a high mark of Royal favor, but they will fail, I am afraid, to understand why a similar honor was not extended to some one enjoying their confidence as their political leader in their Province. I have further to mention to Your Excellency that the French Lower Canadian population is over one-fourth of the population of the whole Dominion, and it happens to be that mine is the only French Canadian name amongst the seven honored by Her Majesty. It is not for me to add here that my worthy and meritorious colleague the Hon. Mr. Langevin, a French Canadian like myself, was one of the co-delegates from Lower Canada, and distinguished himself by his assiduity and labor in the Conference. I have also to observe to Your Excellency, that while applauding to the honor conferred on my two esteemed colleagues, the Hon. Mr. Howland and the Hon. Mr. Macdougall, I fail to understand and appreciate why, in the list of the Companions of the Bath, their names should have precedence of mine. I have thought a great deal about the delicate conclusion to which I am brought; but I find that the keeping of the honor which has been conferred on me will not be favorably appreciated by those whose confidence I enjoy, and might diminish my worth and usefulness as a public man, and as political leader of the Province of Quebec. It seems to me that I have no other alternative than to beg that Your Excellency should have the kindness to convey to His Grace the Duke of Buckingham and Chandos, Her Majesty's Principal Secretary of State for the Colonies, my most sincere feeling of gratitude for the honor Her Majesty has bestowed upon me, in having so graciously been pleased to confer on me the title of Companion of the Bath, but, at the same time, to convey to His Grace my most deep and sincere regret, that I am under the necessity of praying that Her Majesty will be pleased to allow me to decline the honor conferred on me. I take this opportunity of thanking Your Excellency for the in-

terview you have granted me this morning, and my verbal explanations will I hope, supply anything wanted in this letter.

I have, &c.,

(Signed,)

GEO. ET. CARTIER.

His Excellency Viscount Monck, &c., &c., &c.

*Mr. Galt to the Governor General.*

(Copy.)

OTTAWA, 3rd July, 1867.

MY LORD,—I beg that you will convey to His Grace the Duke of Buckingham, my grateful thanks for the approval which Her Majesty has been graciously pleased to accord to my public services in connection with the Union of British North America.

While deeply impressed with a sense of gratitude to Her Majesty, I am exceedingly pained by the position in which I am placed through the unexpected and public announcement of the distinction conferred, and by which I am compelled to perform the most ungracious task of appearing to question the propriety of an act of Royal grace and favor. No personal consideration would induce me to do so, but my convictions of public duty leave me no alternative.

I find that my colleague, Mr. Cartier, is unable to recognize the justice of the conclusion upon which His Grace, the Secretary of State for the Colonies, has advised Her Majesty to act, and sharing his views it thus becomes impossible for me to retain the distinction which has been conferred, as my acceptance would necessarily indicate acquiescence in the position which has been assigned to the leading public men of Lower Canada, and especially to Mr. Cartier and myself with our colleague Mr. Langevin, a course which, if now taken by me, would, I believe, seriously impair my public usefulness.

I have therefore the honor to request that Your Lordship, while conveying to His Grace the Duke of Buckingham my grateful thanks to the Queen for the honor conferred upon me, will, at the same time, move His Grace to obtain for me Her Majesty's gracious permission to resign the distinction of Companion of the Bath.

I have, &c.,

(Signed,)

A. T. GALT.

His Excellency Viscount Monck, &c., &c., &c.

*The Duke of Buckingham to the Governor General.*

(Copy.—Canada,—Separate.)

DOWNING STREET, 14th December, 1867.

MR LORD,—Referring to Your Lordship's Despatch, marked Separate, of the 12th July, accompanied by letters from Mr. Cartier and Mr. Galt, requesting permission to decline accepting the honor of Companion of the Bath, I am able to inform you that it has been found practicable to meet the wishes of these Gentlemen without an Order that their names should be struck off the roll of the Order, a course of proceeding which I felt reluctant to adopt, although it appeared to be the only one for which there was a precedent.

I have now to acquaint Your Lordship that a preferable mode has been found of complying with the requests of Mr. Cartier and Mr. Galt, as the actual delivery of the Insignia to them has not taken place. Her Majesty has been pleased to approve a proposal that their appointment should not be completed by the delivery to them of the Grant and Badge of the Dignity, and has given directions that so much of Her Majesty's Warrant as relates to their appointment should be cancelled. The notification of the honors conferred on the Members of the Conference of Delegates, which was published in the London *Gazette* of the 9th of July last will be republished, omitting the names of Mr. Cartier and Mr. Galt, and stating that this notification is to be substituted for the preceding one.

The wish of these gentlemen has therefore been carried into effect in the most considerate manner which could be devised for the purpose.

I have, &c.,

(Signed,)

BUCKINGHAM & CHANDOS.

Governor, the Right Honorable Viscount Monck,  
&c., &c., &c.

*Mr. Galt to the Governor General.*

(Copy.)

SHERBROOKE, 4th January, 1868.

MY LORD,—I have the honor to acknowledge Your Lordship's letter of 31st ulto., with copy of Despatch from His Grace the Duke of Buckingham, dated 14th December.

I cannot permit myself even to discuss the suggestion contained in His Grace's letter, that Mr. Cartier and myself could be subjected to the infamy of being struck off the Roll of the Order of the Bath, because there was no precedent for a resignation.

The course proposed by His Grace for relieving Mr. Cartier and myself of the unsought distinction, would appear to me perfectly satisfactory; provided that the proposed notification in the London *Gazette* states expressly that the names of Mr. Cartier and Mr. Galt are omitted at their own desire.

Unless this statement be officially put forth the notification will be subject to misconstruction by the public, and I respectfully submit, that having placed us without our consent in the position we occupy, it is the bounden duty of Her Majesty's Government to protect us from any possible injury arising therefrom. No rule of the Order can possibly contravene those natural laws of right, which must govern every institution deriving its existence from the fountain of honor, the Queen.

I have, &amp;c.,

(Signed,)

A. T. GALT.

The Right Honorable Viscount Monck, &amp;c., &amp;c., &amp;c.

*Mr. Galt to the Governor General.*

MONTREAL, 7th January, 1868.

MY LORD,—Since writing Your Lordship at Sherbrooke, I have, on my arrival in town last evening, observed by a notice in the Montreal *Gazette*, that His Grace has already acted in the manner proposed by his Despatch of 14th December.

I deeply regret that after allowing so much time to elapse, sufficient delay had not been permitted to arrange the final action with the concurrence of the parties interested.

I propose to consult with Mr. Cartier as to the position in which the matter now stands, and as to any and what steps ought to be taken by us to vindicate us from possible misconstruction.

Meantime, I beg to confirm my two letters to Your Lordship under date 14th instant, and to request that they may be communicated to His Grace the Duke of Buckingham, as forming part of the correspondence and indicating the objection I saw to the course that has been adopted.

I have, &amp;c.,

(Signed,)

A. T. GALT.

The Right Honorable Viscount Monck, &amp;c., &amp;c., &amp;c.

*Mr. Galt to the Governor General.*

(Copy.)

SHERBROOKE, 11th January, 1868.

MY LORD,—The recent public notification in the London *Gazette*, though not communicated to me, may, I presume, be taken as conveying the refusal by the Queen of my respectful request to be permitted to resign the grade of Companion of the Bath, on the ground stated in the Despatch from His Grace the Duke of Buckingham of 14th ult., that no precedent for a resignation existed.

I must express my profound regret that this step precluding all further remonstrance should have been taken with the same precipitancy which marked the bestowal of the honors. Had His Grace, after five months' delay, awaited the reply which I immediately sent on the 4th inst., to Your Lordship, it is possible that the course I suggested might have been adopted, and further acrimony avoided. As it is, I fear there is nothing now left me, but to protest against what I feel to be a wrong, by placing on record a resumé of my own connection with the question of Confederation, and my views of the course taken in the Imperial recognition of the services of those concerned.

I was the first Canadian Statesman who brought this subject before our Parliament, as a means of reconciling the conflicting interests of Upper and Lower Canada and at the same time of uniting the disjointed elements of British power in North America.

Shortly after, in 1858, I joined the administration formed by Mr. Cartier as Premier, having as the basis of our policy, Confederation. The same year, Mr. Cartier, Mr. John Ross and I were Delegates to England, and pressed the subject unavailingly on the Imperial Government, then, as now, under my Lord Derby. The following year, being again in London alone, it was once more brought by me under the notice of the late Duke of Newcastle, the Colonial Secretary under Lord Palmerston, but with the like ill-success. Without having ever ceased to form the ultimate policy of the Government, it slumbered until the political difficulties between Upper and Lower Canada culminated in such repeated failures to form an enduring administration, that some remedy had to be sought. By the suggestion and agency of two Members of our Parliament, Mr. Alexander Morris and Mr. John H. Pope, negotiations were opened with Mr. George Brown, the leader of the Upper Canada liberal party, and at conferences held by that Gentleman with Sir John Macdonald, Mr. Cartier and myself, a coalition was formed on the basis of Confederation.

I do not propose to introduce the history of the various conventions held between the several Provinces; but it now becomes my duty to refer to the difficulties, political and material, which had to be overcome. Those that were material consisted mainly in the adjustment, of the relative burdens, assets, and liabilities of the several Provinces, in providing means for the Local Governments, and provisions to permit of a fair union of resources. In my position as Finance Minister of Canada, I had my full share of responsibility in dealing with these subjects. But I do not regard them of such importance as to entitle any one to particular merit, when all were striving for a common object.

It was widely different with the political difficulties. They consisted, as Your Lordship is well aware, in the particular position of Lower Canada, whose population was composed of a large majority of French origin, combined with a wealthy influential and numerous British minority. The effect of Confederation was to place the French Canadians forever in a minority in that Parliament which had to deal with general subjects, and the British minority in an equally doubtful position in the Local Legislature, which was proposed for each Province. Mr. Cartier, as the acknowledged leader of his countrymen, had to face and overcome the fear, prejudices, and jealousies of a proud, sensitive population, dreading infringement of their cherished religion, language and laws. While I had the relatively equally difficult task of satisfying my own countrymen, that they could safely intrust their civil rights of property, and their educational interests to a majority of a different race and religion.

We both succeeded. Mr. Cartier was fully sustained, first by the most influential men of his race—the late revered Sir Etienne Taché, Mr. Langevin, Mr. Cauchon, Mr. Chapais, and many others with the vast bulk of their countrymen. I was also equally fortunate in the final result, though such difficulties arose in my path that I could discover no other mode of satisfying a not unnatural alarm than to resign my position in the Government for the purpose of enabling me to reassure my friends.

But although Confederation be carried the risk and responsibility taken by Mr. Cartier and myself are not ended; we still have to prove that our respective national interests have been protected, or our names will yet be execrated as the authors of the wrongs that may be inflicted. All the difficulties of the other sections of Confederation are of such a material nature as to admit of early or late solution, but natural prejudice and ill-feeling once excited between the French and English populations would produce most serious disaster to both. This problem is now being worked out; and acknowledging, as I fully and warmly do, Mr. Cartier's public services and responsibilities as far greater than my own, I would have but badly served my country, if I had accepted a distinction which he declined, and which was withheld from our valued colleague, Mr. Langevin. I am thankful that however unsatisfactory this question of honors has proved, it has tended rather to confirm than to weaken that political alliance most necessary at present, for the peace and good government of the Province of Quebec, if not of the Confederation.

I dislike to make any reference to distinctions conferred upon others, and I therefore leave it to Your Lordship's candor to inform the Duke of Buckingham, whether any corresponding risks or difficulties attended the advocacy of Confederation in the sister

Province of Upper Canada, whose three Representatives at the Conferences have been preferred to those from Lower Canada.

I have never sought any other reward in my public career than that which public confidence might confer. I should not have murmured had it pleased Her Majesty to omit any mention of my name, as has been the case with others, probably quite as much entitled to notice. But I object to have forced upon me, that which on public and private grounds I find to be unsuitable.

I must now advert to the action taken upon my letter of 3rd July, asking Her Majesty's permission to resign the distinction conferred.

On the 19th of September, I received a letter from Your Lordship, dated 13th idem, and as the suggestions made therein, on behalf of the Duke of Buckingham, on one point to which I desire to refer, are substantially repeated in His Grace's despatch, I must quote the words:—

It appears from the Duke's letter that there is no precedent for a resignation of the Order of the Bath. The only cases in which gentlemen once gazetted have ceased to be Members of the Order, are one or two instances, in which persons have been *struck off* the Roll of the Order for misconduct, and it seems the only way your wishes can be carried into effect, will be by an announcement in the *Gazette*, that the Queen has directed your name to be removed from the Roll of the Order. The Duke thinks that this mode of proceeding would be open, both now and in the future, to a construction in the minds of those unacquainted with the facts of the case, injurious to you, and he is unwilling to adopt this course, unless an absolute necessity for it should arise."

And Your Lordship suggests, that under these circumstances and for considerations not stated as emanating from the Duke, you hope, both Mr. Cartier and I would forego our intended resignation.

I must now inform Your Lordship, that it was with the utmost pain and astonishment I received that communication. It appears to me so incredible, that for *lack of a precedent*, the Advisers of Her Majesty could contemplate for an instant, the subjection of two innocent men to the infamy of being placed in the ranks of those who had disgraced the Order of the Bath, that I hesitated how to notice it. I could not believe that it was really intended to offer to honorable men such an alternative, as a disgraceful dismissal, or an ignominious acceptance of an unpalatable distinction. I finally decided to omit all mention of the suggestion, but by my letter in reply, written the same day, to leave no doubt as to my course, thus evincing my perfect confidence that no such step could be seriously thought of.

I regret to observe, that it appears from the Despatch of the 14th December, that I erred in my conviction, as it would seem the acknowledgments are due for the discovery of a somewhat less injurious course than dismissal. I fear the difference is so slight as to be inappreciable.

The effect of the notification in the London *Gazette* is, that The Queen has not seen fit to confirm Her previous gracious intention by confirming the Insignia of the Order of the Bath upon Mr. Cartier and Mr. Galt, she therefore cancels the former *Gazette* and directs the present be substituted therefor.

It may be suggested that everybody knows the facts, but though this may be true of to-day, it will not be so in the future. The record will remain, that for some unexplained reason, the Queen has withdrawn Her favor. I beg Your Lordship to consider for a moment the position Mr. Cartier or I may be placed in, if, as has already occurred, we desire to present ourselves at any Foreign Court. Can we expect to be received, or to obtain proper consideration, either for ourselves or for our Country, if we are on any public mission? May we not be subjected to the humiliation of being called upon to prove that we are not unworthy to be Members of the Order of the Bath, or, must we seek a certificate of character from the Foreign Office before we venture out of the Queen's Dominions. Yet such is the inevitable result, as it appears to me, of the course now adopted.

Let me add this, that a man's character is the heritage of his children; in many cases little else. How are my sons hereafter to protect themselves from insult and injury based upon this unhappy notice. They cannot be expected, years hence, to prove by the production of a long-forgotten Despatch from the Duke of Buckingham, that their father had deserved the honor while he had only received reproach. That such things are

even possible, entitles me, to ask protection and redress at the hands of our most Gracious Sovereign.

The result of the whole procedure appears to be, that by a combination of circumstances, which I am loath to believe were intentional, I find myself receiving injury where it was intended to confer distinction.

I am compelled to view with bitterness instead of pride the fruition of my cherished political plans, and instead of finding the favor of the Crown productive of fame, influence and honor, it has only resulted in making my position abroad equivocal, and in England painful.

I have no other course left, but simply to record my protest—First, against the historical wrong done to myself and others in the distribution of honors; and lastly, against the far more serious injury involved in the mode now adopted to relieve me from an unsought distinction.

Imperial recognition I can never hope for, nor do I now desire it. But the great measure of Confederation remains, and in the future that it opens, I shall yet strive to deserve, if I do not obtain, a more enduring reputation than any of which I may now consider myself unjustly deprived by Her Majesty's Government.

I have, &c.,

(Signed,)

A. T. GALT.

The Right Honorable Viscount Monck, &c., &c., &c.

*Mr. Cartier to the Governor General.*

(Copy.)

OTTAWA, 22nd January, 1868.

MY LORD,—Having reached Ottawa day before yesterday, I beg that Your Lordship will have the kindness to allow me to take this early opportunity to say a few words in reply to your two letters of the 31st December last past, and to the contents of the Despatch of His Grace the Duke of Buckingham of the 14th of the same month. I have had already the honor to acknowledge, from Quebec, on the 10th inst., the receipt of your two letters, and of a copy of His Grace's Despatch, and in my acknowledgment of their receipt, I then intimated to Your Lordship, that on my return to Ottawa, I would address to Your Lordship a few lines in reply. I have not, as yet, acknowledged the receipt of your kind note of the 8th inst., in reply to my letter of the day previous, the 7th inst., and I avail myself of this opportunity for so doing.

Referring now to His Grace's Despatch, I feel a deep regret in being obliged to state at the outset, that the contents of the Despatch have more than astonished me, and have failed to induce me to agree with His Grace in the justice and propriety of the mode of procedure explained by His Grace, and intended to be pursued for meeting my wishes, with regard to the grade of Companion of the Bath conferred on me. The notification which has appeared lately in the *London Gazette*, and to which I have called the attention of Your Lordship in my letter of the 7th inst., carries in fact, into effect, the mode of proceeding indicated by His Grace. Such being the case, the only thing now remaining for me to do, is to enter my protest and my objections against the mode of proceeding adopted, which will be open, without doubt, now and hereafter, to a construction injurious not only to myself, but to my children after me.

It becomes necessary for me at this moment, to allude to the mode of proceeding which at first was indicated by His Grace to Your Lordship in a former communication, referred to in Your Lordship's kind note to me of the 13th September last, I beg that Your Lordship will be good enough to allow me to quote from that note the following extract:—

"I have this morning received a communication from the Duke of Buckingham, in reference to your letter of July 2nd, which requested that the leave of Her Majesty should be obtained to allow you to resign the position of Companion of the Bath.

"It appears from the Duke's letter that there is no precedent for a resignation of the Order of the Bath.

"The only cases in which Gentlemen once gazetted have ceased to be Members of the Order, are one or two instances, in which persons have been struck off the Roll of the Order or misconduct, and it seems that the only way in which your wishes can be carried

into effect, will be by an announcement in the *Gazette*, that the Queen has directed your name to be removed from the Roll of the Order. The Duke thinks that this mode of proceeding will be open, both now and in the future, to a construction in the minds of those unacquainted with the facts of the case, injurious to you, and he is unwilling to adopt this course without an absolute necessity for it should arise."

I feel very grateful to His Grace for having so kindly intimated to me, through Your Lordship, his views with regard to my prayer to Her Majesty, for leave to be allowed to decline the honor conferred on me, and also for His Grace's kindness in pointing out the difficulties in the way of the granting of my prayer.

I never thought for a second, that His Grace, in order to carry my wishes into effect, ever intended to disgrace me and my children, by advising Her Majesty to direct that my name should be struck off the Roll of the Order as if *guilty of misconduct*; but I cherished the hope, that His Grace in his wisdom, would devise and suggest some course of action which would meet my wishes, without entailing dishonor on me. Though that His Grace intimated to Your Lordship that there was no *precedent* for a resignation of the Order of the Bath, it seems to me, that my case being a special one, and perhaps one without *precedent*, it was worthy of consideration if a *precedent* could not be created to meet it. It is well, here to observe, that the honor conferred upon me was not sought by me, and that I heard of it for the first time, when Your Lordship made on the 1st July last, in the Privy Council Room, the announcement of the distribution of honors.

The communication of His Grace referred to in Your Lordship's letter of the 13th September last, placed me in this awkward and cruel alternative, either of receding *from my position*, or of seeing my name struck off the Roll of the Order. In the first case, I could not recede from my position, knowing that in doing so, I would entail for ever disgrace on myself as political leader in the eyes of every one in the Dominion; and in the second case, I knew also, that if my name were ordered to be struck off the Roll, I would incur an everlasting dishonor, by being placed on a *par* with a member of the Order *guilty of misconduct*.

I must say, that I expected that His Grace would devise and suggest some just and honorable course of action, which would take me out of the painful alternative to which I have just alluded. But I must add, that my hope vanished away, when I read the subsequent Despatch of His Grace of the 14th December. The course of action explained in that Despatch, and which has been carried into effect *almost immediately* by the *notification* lately published in the *London Gazette*, differs, in my opinion, but very little from the mode of proceeding indicated in the first communication of His Grace, and referred to in Your Lordship's note to me of the 13th September:—If the mode of proceeding indicated by His Grace in his *first* communication had been carried into effect, Her Majesty would have ordered my name to be *struck off the Roll*, and by the mode of proceeding explained in His Grace's last Despatch, and carried into effect by the *notification* lately published in the *London Gazette*, in order that it should be *substituted* for the one published on the 9th July last, *my name in reality was ordered to be omitted in the Roll of the Order*. The difference in effect between the two modes is hardly perceptible and appreciable. There being no reason assigned for the *omission* of my name in the second notification, the *proceeding* in the minds of all in England, or in any foreign country, unacquainted with the facts of the case, will be as open now and in the future, to construction injurious to myself and to my children after me, as if my name had *been ordered to be struck off the roll*. If the last notification in the *London Gazette* had contained some *words to express* that my name was *omitted* in consequence of my *prayer to Her Majesty no construction injurious to me could have been possible*, and I would have felt very *grateful*. I cannot help mentioning here, my deep regret, that I was not apprised by Your Lordship on your return to Ottawa, two or three days before the 1st July last, of the announcement of distribution of honors you intended to make on that day. I would have at once requested Your Excellency to omit my name in that announcement; and I am sure that a great deal of the painful and disagreeable correspondence which has taken place would have been saved.

As this letter very likely will be the last one I will have the honor to address to Your Excellency respecting the late distribution of honors in Canada, I would be wanting in my duty towards Your Lordship, if I did not take this opportunity to express to Your Lordship, for your own information, and for the information of His Grace the Duke of Buck-



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ingham, that the *inhabitants* of the Province of Quebec, *formerly Lower Canada*, of all creeds and races, feel deeply that *justice* was not awarded to their political leader in that distribution of honors. I am further bound to state to Your Lordship, that the feelings of *one million of French Canadians*, of whom I have the honor to be the *Representative man*, have been *deeply wounded* not only by the position assigned to me in that distribution of honors, but also by the *omission* in it of the name of my worthy Colleague, the Honorable Mr. Langevin, and that these *wounded feelings* will, I am afraid, for some time to come, be transmitted from generation to generation. I must also express, in conclusion, to Your Lordship, that the late distribution of honors will always be remembered, throughout the Dominion, as an *unfortunate incident* in the inauguration of our new political system.

I hope that Your Lordship will have the kindness to communicate this letter or its substance to His Grace the Duke of Buckingham, and to allow me the honor of subscribing myself, of Your Lordship,

The most obedient, and humble servant,  
(Signed,) GEO. ET. CARTIER.

His Excellency Lord Monck, &c., &c., &c.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 1st April, 1868; for  
Copies of all Memorials addressed to the Government on the subject of the  
duty on Hops.

By Command.

HECTOR L LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 20th April, 1868.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 6th April, 1868; for a Copy of the Address of the House of Assembly of Nova Scotia to the British Government, and the Resolutions on which the same was founded, praying for the repeal of so much of the British North America Act as refers to that Province; and of any Despatches or Minutes of Council, referring thereto, sent to the British Government by the Government of Canada; and also Copies of any Instructions to the Hon. Mr. Tupper, on the same subject, before or since his departure.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 18th April, 1868.

*The Governor General to the Secretary of State for the Colonies.*

(Copy, No. 42.)

GOVERNMENT HOUSE,  
Ottawa, 14th March, 1868.

MY LORD DUKE,—I have the honor to transmit a copy of a Despatch from the Lieut. No. 19, Feb. 26th, 1868. Governor of Nova Scotia, forwarding to me an Address to Her Majesty the Queen from the Legislative Assembly of that Province, and I have to request that Your Grace will take the necessary measures for having this Address laid at the foot of the throne.

I have, &c.,  
(Signed,) MONCK.

His Grace,  
The Duke of Buckingham and Chandos,  
&c., &c., &c.

*Lieut. Governor of Nova Scotia to the Secretary of State for the Colonies.*

(Copy, No. 19.)

HALIFAX, NOVA SCOTIA,  
28th February, 1868.

SIR,—The House of Assembly of this Province have voted the accompanying Address to the Queen, which I have the honor to desire that you will bring to the notice of His

Excelsency the Governor General, and request His Excelsency to transmit to the Secretary of State for the Colonies, with a view to its being laid at the foot of throne.

I have, &c.,  
(Signed,)

HASTINGS DOYLE,  
*Lieut. Governor.*

The Honorable  
The Secretary of State for the Provinces,  
&c.,                      &c.                      &c.

*To the Queen's Most Excellent Majesty.*

The humble Address of the House of Assembly of the Province of Nova Scotia.

MAY IT PLEASE YOUR MAJESTY :

We, Your Majesty's dutiful subjects, the Representatives of the people of Nova Scotia, in Provincial Parliament assembled, most respectfully approach Your Majesty with assurances of our unabated loyalty and devoted attachment to Your Majesty's person and Government.

We call the attention of Your Majesty to the fact, that His Majesty King George the Second, upwards of a century ago, granted to the people of Nova Scotia a representative constitution, and ordained that the Legislature should consist of a Governor, Council and Assembly, constituted by the freeholders of the Province; and this constitution was improved subsequently by the liberality of succeeding Sovereigns, in graciously conceding extensive powers of self-government to Your Majesty's loyal subjects of Nova Scotia.

We would humbly submit to Your Majesty, that a constitution thus solemnly granted and guaranteed to the people of this Colony, could not be revoked without the consent of your Majesty and of the people of Nova Scotia, who had an undoubted right to be consulted before their constitution could be materially altered.

We also humbly submit, that a Legislature so constituted, for the single purpose of making laws, statutes and ordinances, for the peace, order and government of the Colony, possessed no power nor authority, in any manner, to alter, much less to overthrow the constitution, without the consent of Your Majesty and of the people of Nova Scotia, who had a right to be consulted before such alteration could take place.

That Delegates were appointed under a Resolution of the House of Assembly and Legislative Council, which bears date on the tenth day of April, 1866, and is as follows, that is to say :—

“Whereas, in the opinion of this House, it is desirable that a Confederation of the British North American Provinces should take place, *Resolved*, therefore, that His Excelsency the Lt. Governor be authorized to appoint Delegates to arrange with the Imperial Government a scheme of Union which will effectually ensure just provision for the rights and interests of this Province; each Province to have an equal voice in such Delegation; Upper and Lower Canada being, for this purpose, considered as separate Provinces.”

To this Resolution we beg to call Your Majesty's special attention, as it constituted the only power the Delegates had to alter or interfere with the constitution of the Province.

Your Majesty will observe that this Resolution, even if the Legislature had any power to pass it, did not clothe the Delegates with power to arrange a Federal Union of Canada, New Brunswick and Nova Scotia, without including Newfoundland and Prince Edward Island.

That no Delegates from the two last-named Colonies having attended, and an unequal number being in attendance from each of the other, the Delegation was not legally constituted, and had no authority to act under the Resolution.

That the Delegates, so far from ensuring just provision for the rights and interests of this Province, which by the express words of the Resolution they were bound to do, entirely disregarded and sacrificed those rights and interests, and the scheme by them assented to, would, if adopted, deprive the people of the inestimable privilege of self-government, and of their rights, liberty, and independence; rob them of their revenue; take from them the regulation of their trade and taxation; expose them to arbitrary taxation by a Legislature over which they would have no control, and in which they would possess but a

nominal and entirely ineffective representation; deprive them of their invaluable fisheries, their railroads and other property, and reduce this free, happy, and hitherto self-governed Province, to the degraded condition of a servile dependency of Canada.

We beg most respectfully to call Your Majesty's attention to the following facts:—

That the Scheme of Confederating Canada, New Brunswick, and Nova Scotia, was never submitted to the People of this Province at the polls before the 18th day of September last, upwards of two and a half months after the British North America Act was, by Your Majesty's Proclamation, declared to be in force, and Your Majesty's faithful subjects of Nova Scotia were thereby informed that they had been subjected, without their consent, to the absolute dominion of more populous and more powerful Colonies, and had lost their liberty.

That there being no Statute of the Provincial Legislature confirming or ratifying the British North America Act, and it never having been consented to nor authorized by the people, nor the consent of this Province in any other manner testified, the preamble of the Act, reciting that this Province had expressed a desire to be Confederated with Canada and New Brunswick is untrue, and when Your Majesty was led to believe that this Province had expressed such a desire, a fraud and imposition were practised on Your Majesty.

That, from the time that the scheme of Confederation was first devised in Canada until it was consummated by the said Act, in London, it was systematically kept from the consideration of the people of Nova Scotia at the polls, and the Executive Council and Legislature, in defiance of petitions signed by many thousands of the electors of the Province, persistently and perseveringly prevented the same from being submitted to the people.

That, at the recent election, the question of Confederation exclusively occupied the attention of the people, who were then for the first time enabled to express their will on a subject of the most vital importance to their happiness, and the result has proved that this Province does not desire to be annexed to Canada, and that the people repudiate the enforced provisions of the British North America Act, which, for the reasons set forth in this our humble Address, we believe to be *unconstitutional* and in no manner binding on them.

That the Imperial Statute passed, not only without the consent of the people of Nova Scotia, but against their will, has already, we regret to inform Your Majesty, created widespread irritation and discontent, and unless the same be repealed, will, we fear, be attended with the most disastrous consequences, as the truly loyal people of this Province are fully conscious of their rights as British subjects, set an inestimable value on their free institutions, and will not consent to the invasion of those rights, or to be subjected to the dominion of any other power than Your Majesty, their gracious Sovereign and dearly beloved Queen.

We would humbly submit to Your Majesty that the British America Colonies were politically allied to each other by their common relationship to Your Majesty and Your Empire, in a more peaceable and less dangerous connection than under any scheme of Colonial *Confederation* that could be devised, even on the fairest, wisest and most judicious principles.

We by no means impute to Your Majesty or the Imperial Legislature, any intentional injustice, as we are well aware that fraud and deception were practised upon Your Majesty by those who misrepresented the public sentiment of this Province, and who desired and contrived that Confederation should be forced upon Nova Scotia without the consent and against the will of the people.

We therefore, as in duty bound, inform Your Majesty that the people of this Province not only do not desire, but will never willingly consent to be in any manner confederated with Canada, and relying most implicitly on Your Majesty's exemplary regard for constitutional liberty—well known love of justice—and the respect which Your Majesty has ever manifested for the constitutional rights of your people, we, on behalf of the loyal people of Nova Scotia, most humbly beseech Your Majesty to revoke Your Royal Proclamation of the 22nd day of May last, and to cause the British North America Act to be repealed, as far as it affects the rights and liberty of this ever loyal Province.

(Signed) JOHN J. MARSHALL,

Speaker.

ASSEMBLY ROOM, 22nd February, 1868.

*The Governor General to the Secretary of State for the Colonies.*

(Copy, No. 41.)

GOVERNMENT HOUSE.

Ottawa, 14th March, 1868.

MY LORD DUKE,—I have the honor to transmit, for Your Grace's information, copies of a Feb. 27, 1868. Despatch which I have received from the Lieut. Governor of Nova Scotia, with certain Resolutions adopted by the Legislative Assembly of that Province, on the subject of the "British North America Act" of 1867.

I have, &c.,

His Grace

(Signed)

MONCK.

The Duke of Buckingham and Chandos,

&c., &c., &c.

Secretary of State for the Colonies.

*RESOLUTIONS passed unanimously by the House of Assembly of Nova Scotia, on the twenty-first day of February; A. D. 1868.*

1. *Resolved*, That the Members of the Legislative Assembly of this Province, elected in 1863, simply to legislate under the Colonial Constitution, had no authority to make or consent to any material change of such Constitution, without first submitting the same to the people at the polls.

2. *Resolved*, That the Resolution of the 10th April, which led to the passage of the British North America Act, and is as follows, that is to say:—

"WHEREAS, in the opinion of this House, it is desirable that a Confederation of the British North American Provinces should take place:

"*Resolved therefore*, That His Excellency the Lieutenant Governor be authorized to appoint Delegates to arrange with the Imperial Government a scheme of Union, which will effectually ensure just provisions for the rights and interests of this Province; each Province to have an equal voice in such Delegation; Upper and Lower Canada being for this purpose considered as separate Provinces;" was the only authority possessed by the Delegates who procured the enactment of the "Act for the Union of Canada, Nova Scotia, and New Brunswick."

3. *Resolved*, That even if the House of Assembly had the constitutional power to authorize such Delegation, which is by no means admitted, the foregoing Resolution did not empower the Delegates to arrange the Federal Union of Canada, Nova Scotia, and New Brunswick, without including in such Confederation the Colonies of Newfoundland and Prince Edward Island.

4. *Resolved*, That no Delegates from the two last-named Colonies having attended, and an unequal number from each of the others being present, the Delegation was not legally constituted, and had no authority to act under the said Resolution, which expressly required each of the Colonies to be represented by an equal number of Delegates.

5. *Resolved*, That the Delegates did not "ensure just provision for the rights and interests of this Province," as they were, by the express terms of such Resolution, bound to do in arranging a scheme of Union; but, on the contrary, they entirely disregarded those rights and interests, and the scheme by them consented to, would, if finally confirmed, deprive the people of this Province of their rights, liberty and independence,—rob them of their revenues,—take from them the regulation of their trade, commerce, and taxes; the management of their Railroads and other public property.—expose them to arbitrary and excessive taxation, by a Legislature over which they can have no adequate control,—and reduce this hitherto free, happy, and self-governed Province to the degraded condition of a dependency of Canada.

6. *Resolved*, That no fundamental or material change of the Constitution of the Province can be made in any other constitutional manner than by a Statute of the Provincial Legislature, sanctioned by the people, after the subject matter of the same had been referred to them at the polls; the Legislature of a Colonial Dependency, having no power or authority, implied from their relation to the people as their Legislative Representatives, to overthrow the Constitution under which they were elected.

7. *Resolved*, That the scheme of Confederating Canada, New Brunswick and Nova Scotia, was never submitted to the people of this Province at the polls, before the 18th

day of September last, upwards of two and a half months after the British North America Act was, by the Queen's Proclamation, declared to be in force; when the people were thereby informed that they had been subjected, without their consent, to the absolute dominion of more populous and more powerful Colonies, and had lost their liberty.

8. *Resolved*, That there being no Statute of the Provincial Legislature, confirming or ratifying the British North America Act, and the same never having been consented to nor authorized by the people at the polls, nor the consent of this Province in any other manner testified, the preamble of the Act, reciting that this Province had expressed a desire to be Confederated with Canada and New Brunswick, is untrue; and when the Queen, and the Imperial Legislature, were led to believe that this Province had expressed such a desire, a fraud and imposition were practised upon them.

9. *Resolved*, That the truth of the preamble of the British North America Act, reciting the desire of Nova Scotia to be Confederated, is essential to the constitutionality of the Statute; and if the same is false, the Statute is defective, because a Statute cannot be rendered constitutional by falsely assuming as true the condition which is indispensable to its constitutionality.

10. *Resolved*, That from the time the scheme of Confederation was first devised in Canada, until it was consummated by the Imperial Act in London, it was systematically kept from the consideration of the people of Nova Scotia at the polls, and the Executive Council and Legislature, in defiance of petitions signed by many thousands of the Electors of this Province, persistently and perseveringly prevented the same from being presented to the people.

11. *Resolved*, That at the recent election, the question of Confederation exclusively occupied the attention of the people, who were then, for the first time, enabled to express their will on a subject of the most vital importance to their happiness; and the result has proved that this Province does not desire to be annexed to Canada, and that the people of Nova Scotia repudiate the enforced provisions of the British North America Act, which, for the reasons set forth in the foregoing Resolutions, they believe to be unconstitutional, and in no manner binding upon the people of Nova Scotia.

12. *Resolved*, That the Quebec scheme, which is embodied in the British North America Act, imprudently attempted to be forced on the people of Nova Scotia, not only without their consent but against their will, has already created wide-spread irritation and discontent; and unless the same be withdrawn, will, we fear, be attended with the most disastrous consequences, as the loyal people of this Province are fully conscious of their rights as British subjects, set an inestimable value upon their free institutions, and will not willingly consent to the invasion of those rights, or to be subjected to the dominion of any other power than their lawful and beloved Queen.

13. *Resolved*, That the Colonies were politically allied to each other by their common relationship to the Queen and Her Empire, in a more peaceable and less dangerous connection than under any scheme of Colonial Confederation that could be devised, even on the fairest, wisest and most judicious principles.

14. *Resolved*, That the people of Nova Scotia do not impute to Her Majesty the Queen and the Imperial Parliament, any intentional injustice, as they are well aware that fraud and deception were practised upon them by those who misrepresented the public sentiment of this country, and who, for reasons that we will not venture to assign desired that Confederation might be forced upon this Province, without the consent and against the will of the people.

15. *Resolved*, That an humble Address be presented to the Queen, embodying the substance of the foregoing Resolutions, informing Her Majesty that Her Loyal people of Nova Scotia do not desire to be in any manner confederated with Canada, and praying Her Majesty to revoke Her Proclamation, and to cause the British North America Act to be repealed, as far as it affects the Province of Nova Scotia.

The foregoing is a true copy of the Fifteen Resolutions passed unanimously by the House of Assembly of the Province of Nova Scotia, on the 21st day of February, A. D. 1868.

Which I certify,

BENRY C. D. TWINING,

*Clerk of the House of Assembly of Nova Scotia.*

HALIFAX, NOVA SCOTIA,  
25th February, 1868.

(Copy.)

IN THE HOUSE OF ASSEMBLY,  
25th February, 1868.

*Resolved*, That His Excellency the Lieutenant Governor in Council be authorized to appoint Delegates, charged with the Resolutions passed by this House on the 21st February, instant, in respect to the constitutional rights and privileges of the people of this Province.

(Signed,)

H. D. TWINING,  
*Clerk of House of Assembly.*

(Copy.)

IN THE HOUSE OF ASSEMBLY,  
25th February, 1868.

*Resolved*, That the Delegates so to be appointed are to urge upon the attention of the British Government and the Imperial Parliament the strong feelings of this House and the people of Nova Scotia upon the question of Confederation; that they are to ask for the restoration of the Constitution of this Country as it existed previous to the passage of the British North America Act; that they are not to accept any alteration of or amendment to such Act, and that they are hereby authorized, if necessary, to retain counsel learned in the law to plead the claims of Nova Scotia at the Bar of the House of Commons, and to take all such necessary steps for the carrying out the Resolutions of this House as may be deemed advisable.

(Signed,)

H. D. TWINING  
*Clerk of House of Assembly.**The Governor General to the Secretary of State of the Colonies.*

(Copy, No. 50.)

GOVERNMENT HOUSE,  
Ottawa, 23rd March, 1868.

MY LORD DUKE,—I have the honor to transmit for Your Grace's information, a March 18th. certified copy of an approved Minute of the Privy Council of Canada, explaining the object of the Privy Council in sending to England The Honorable Charles Tupper, C.B., M.P., to place himself in communication with Your Grace.

I have, &amp;c.,

(Signed,)

MONCK.

His Grace

The Duke of Buckingham and Chandos,  
&c., &c., &c.,

*COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General on the 18th March, 1868.*

On a Memorandum, dated 12th March, 1868, from the Honorable the Minister of Justice, stating, that having had under consideration the action of the Local Legislature of Nova Scotia, in sending to England a Deputation for the purpose of pressing upon Her Majesty's Government the necessity of repealing the Union Act, so far as Nova Scotia is concerned, he recommends that some competent person be sent to England for the purpose of affording, when required, to His Grace, the Secretary of State for the Colonies, full information on the various grounds for such repeal that may be submitted by the Nova Scotia Delegation.

The Committee concur in the recommendation submitted by the Minister of Justice, and advise that a competent person be authorized to proceed to England for the purpose mentioned.

Certified.

(Signed,)

W. H. LEE.  
*Clerk Privy Council.*



## RETURN

To an Address of the HOUSE OF COMMONS, dated 18th November, 1867; For a Return of all Surveys and Reports having reference to Harbors on the East Coast of Lake Huron; also, all Reports in relation to the said Surveys of Harbors, whether as Harbor of Refuge or otherwise, north of the Town of Goderich, on the said East Coast of Lake Huron.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 19th March, 1869.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 6th April, 1868; For copies of all Correspondence between the Government of the late Province of Canada, the Government of the Dominion of Canada, and the Government of Newfoundland, in relation to the disputed question as to the Boundary Line between the two Countries in Labrador.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 20th April, 1868.

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# SUPPLEMENTARY RETURN

To an Address of the HOUSE OF COMMONS, dated 6th April, 1868; For Copies of all Correspondence between the Government of the late Province of Canada, the Government of the Dominion of Canada, and the Government of Newfoundland, in relation to the disputed question as to the Boundary Line between the two countries in Labrador.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 6th May, 1868.

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[In accordance with the recommendation of the Joint Committee on Printing, the above Return and Supplementary Return are printed for distribution only.]

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# RETURN

To an Address of the House of Commons, dated 23rd March, 1868; for a Return shewing:—

1. What sum or sums of money (if any) has or have been paid out of the Consolidated Revenue Fund of the late Province of Canada and of the Dominion to the credit of the Upper Canada (now Ontario) Municipal Loan Fund, under the provisions of the Seigniorial Amendment Act, 1859, with the date or dates of such payments.
2. What advances have been made (if any) from time to time from Provincial Funds, on account of the said Municipal Loan Fund, with the dates of such advances.
3. What sum or sums of money (if any) has or have been paid out of the Consolidated Revenue Fund of the Province of Canada, under the provisions of the Seigniorial Act of 1854, in excess of the total amount of the sums arising from the sources of Revenue specially appropriated by the said Act for the purposes thereof and of any interest allowed thereon.
4. What Municipalities in the Province of Ontario have borrowed and become indebted on the security of the said Municipal Loan Fund; the amounts so borrowed by the said Municipalities respectively, with the date or dates thereof; what sum or sums have been repaid by the said Municipalities severally, on account of principal and interest or either, with the dates thereof; and the balance still due by the said Municipalities respectively.
5. Which (if any) of the said Municipalities are in default as to any payment or payments which ought to have been made by them severally to the said Municipal Loan Fund, and the amount or amounts thereof.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 21st April, 1868.

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ANSWER TO QUESTION 1.

The Seigniorial Act of 1859 provides, that a sum equal to that made chargeable against the Consolidated Fund for the payment of Seigniors shall be paid annually to the credit of the Consolidated Municipal Loan Fund, U. C. The amount which would have been payable to Seigniors, over and above what was provided for by the Fund created in 1854 could not be satisfactorily ascertained until 1866, and until that time no equivalent payment was made to the Municipal Loan Fund. In 1866 the position of the Fund, as it would have stood at the date of the passing of the Act of 1859, was ascertained by discounting back to that date all payments, other than for interest, and the capital representing the payments to Seigniors having also been ascertained, the balance of this capital, which would not have been liquidated by the balance of the Fund in 1859, was found to be \$2,218,555.39 (*Vide* Public Accounts of 1867, II., p. 91). Thereupon an account was opened, called "Consolidated Municipal Loan Fund, U. C., Indemnity Account," and the above capital was credited to it, together with interest at 6 per cent. from May, 1859. As the account stood June 30th, 1867, there was at its credit \$3,304,249.55 (*Vide* Pub. Accts. 1867, p. 2.) which is an offset against the \$3,517,018.32 which is charged against the Consolidated Municipal Loan Fund as arrears of interest.

ANSWER TO QUESTION 3.

The sum of \$600,000 has been credited to the Upper Canada Building Fund under the provisions of the Seigniorial Acts of 1854 and 1855, and interest was allowed upon it at the rate of 6 per cent., being the same rate allowed to the Seigniorial Fund, as provided by the above-named Acts, up to the date of the Act of 1859. At that date the Seigniorial Fund was closed, as explained in my answer to Question 1, and from that date only 5 per cent. has been allowed to the Upper Canada Building Fund on its general balance, which include this \$600,000 and accumulated interest.

JOHN LANGTON,  
*Auditor.*

IN ANSWER TO QUESTION NO. 4 OF THE ADDRESS.

STATEMENT, shewing the Amount borrowed under the Consolidated Municipal Loan Fund, by several Municipalities in the Province of Ontario,—the sums repaid on account of Interest, and the balance still due by them,—the whole in accordance with an Address of the Honorable the House of Commons, dated 23rd March, 1868.

Number.	—	Amount of	Date of Loan.	1853.
		Loan.		
		\$		\$
		cts.		cts.
1	Bertie.....Town'p..	40,000	1853.....	
2	Brantford.....do ...	50,000	do .....	2,832 87
3	Brantford.....Town ...	500,000	1853, \$100,000; 1854, \$400,000.....	5,665 75
4	Belleville.....do ...	20,000	1854.....	
5	Bro-kville.....do ...	400,000	1854, \$97,333.33; 1856, \$302,666.67 .....	
6	Barrie.....do ...	12,000	1855 .....	
7	Huron and Bruce.....Counties	308,000	1853, \$300,000; 1854, \$8,000.....	
8	Cobourg.....Town.....	500,000	1853, \$300,000; 1854, \$100,000; 1855, \$100,000.....	
9	Chippawa.....Village.....	26,000	1853, \$20,000; 1856, \$6,000.....	
10	Canboro'.....Town'p..	8,000	1853 .....	
11	Cornwall.....Town.....	12,000	1854.....	
12	Chatham.....do ...	100,000	1855.....	
13	Dundas.....do ...	52,000	do .....	
14	Elgin.....County...	80,000	1854.....	
15	Elizabethtown.....Town'p..	154,000	1854, \$48,666.67; 1858, \$105,333 33.....	
16	Essex.....County...	32,000	1855 .....	
17	Grey.....do ...	16,000	1853.....	734 68
18	Goderich.....Town.....	100,000	1854.....	
19	Guelph.....do ...	80,000	1855.....	
20	Hops.....Town'p..	60,000	1853.....	
21	Hastings.....County...	157,600	1855, \$117,600; 1857, \$40,000 .....	
22	Lincoln.....do ...	48,000	1853.....	
23	Lambton.....do ...	16,000	do .....	
24	London.....City.....	375,400	1854, \$200,000; 1855, \$175,400.....	
25	Lanark and Renfrew.....Counties	800,000	1854, \$194,666.67; 1856, \$605,333 33.....	
26	Moulton and Sherbrooke Town'p..	20,000	1853.....	
27	Middleton.....do ...	5,000	do .....	
28	Niagara.....Town.....	280,000	1853, \$60,000; 1854, \$160,000; 1855, \$60,000.....	1,200 00
29	Northum'l'd and Durham Counties	460,000	1854, \$120,000; 1855, \$120,000; 1856, \$152,000 } 1857, \$68,000 .....	
30	Norwich.....Town'p..	200,000	1854.....	
31	Oxford.....County..	20,000	1853.....	
32	Ottawa.....City.....	200,000	do .....	
33	Ops.....Town'p..	80,000	do .....	
34	Port Hope.....Town.....	860,000	1853, \$200,000; 1854, \$320,000; 1855, \$340,000.....	
35	Perth.....County..	288,000	do .....	
36	Paris.....Town.....	40,000	do .....	1,866 67
37	Prescott.....do ...	100,000	do .....	
38	Peterboro'.....do ...	100,000	1857.....	
39	St. Catharines.....do ...	190,000	1853, \$50,000; 1854, \$100,000; 1855, \$40,000.....	
40	Stanley.....Town'p..	10,000	do .....	
41	Simcoe.....Town.....	100,000	1854.....	
42	Stratford.....do ...	100,000	do .....	
43	Woodhouse.....Town'p..	80,000	do .....	
44	Windham.....do ...	100,000	do .....	
45	Woodstock.....Town.....	100,000	do .....	
46	Wainfleet.....Town'p..	20,000	1853.....	
		\$7,300,000		

IN ANSWER TO QUESTION

STATEMENT, shewing the Amount borrowed under the Consolidated Municipal repaid on account of Interest, and the balance still due by them,—the whole 23rd March, 1868.—*Continued.*

Number.	AMOUNT REPAID ON ACCOUNT																	
	1854.		1855.		1856.		1857.		1858.		1859.		1860.		1861.		1862.	
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
1	3,866	30	3,248	80	4,805	48	1,606	82	568	56	2,179	96	2,004	61	2,000	00	2,000	00
2	2,000	00	4,000	00	4,067	25	4,008	52	1,316	52	7,039	20	6,294	00	1,641	00	6,472	95
3	3,000	00	36,923	28	26,856	77	26,111	87	18,622	90	9,792	60	9,311	40	9,229	70	9,229	70
4			1,187	93	2,447	20	815	42	1,682	22	1,654	56	1,665	33	3,266	37		
5			5,866	67	11,758	08	1,750	88	1,509	72	5,283	74	5,656	42			10,319	06
6					1,104	98	962	07	865	15	157	52			880	25		
7	25,024	78	12,506	23	16,000	00	16,000	00	47,062	96	32,046	40	44,134	47	24,679	26	24,640	00
8	26,323	28			5,920	62	13,847	48	1,709	82	425	04	10,761	39	2,761	30		
9	1,920	00	800	00	2,442	40	964	90	385	02	122	76	1,677	50	177	50	934	03
10	773	25	960	00	324	10	332	23	982	04	966	92	821	88	640	00	640	00
11	326	13	480	00	960	00	988	18	986	53	960	00	933	47	828	64	1,313	55
12					12,342	49	17	02	1,041	90	4,582	74			4,241	30	4,001	23
13			2,330	75			2,088	85	1,235	10	336	60						
14			7,460	82	6,400	00	6,594	47	6,530	72	9,639	85	6,400	00	6,400	00	6,400	00
15			2,930	33	6,170	60	1,563	30	1,170	90	3,344	97	2,000	00	968	00		
16					2,970	30	1,280	00	3,965	39	3,286	36	1,908	80	2,560	00	2,560	00
17	1,280	00	1,299	52	1,282	20	642	73	1,296	84	2,080	00	1,120	00	1,280	00	1,280	00
18					2,749	07	16,915	83	894	24	234	96	4,318	93	4,319	00		
19					4,712	90	3,627	72	894	24	12,893	10	6,558	90				
20	6,400	00	4,800	00			5,752	28	1,132	98	340	12	3,034	05				
21					6,314	95	9,658	53	7,279	50	24,852	52	18,384	43	7,459	00	9,108	00
22	2,719	55	3,840	00	1,920	00	5,953	94	3,928	25	3,840	00	3,885	65	1,920	00	3,989	10
23	703	12	1,280	00	1,920	00	684	47	1,286	88	1,922	54	1,285	54			1,920	00
24			15,232	88	24,476	87	15,374	08	10,051	92	2,934	80						
25			14,853	33	20,524	16	37,179	60	9,520	62	14,086	81	10,724	25	14,525	12	9,689	32
26	2,733	15	1,624	50	4,789	00	1,361	42	1,361	88	1,346	22	1,376	50	1,314	20	587	88
27	239	45	406	10	400	00	2,636	52	328	00	240	00	120	00				
28	7,627	40	16,764	93	14,596	15	1,128	15	781	08	207	68						
29	2,419	72	9,600	00	35,871	57	8,757	03	22,346	14	22,677	55	64,551	89	44,216	48	18,835	44
30	7,468	22	8,086	78	21,602	30	1,621	50	1,299	96	438	24						
31	1,902	47	800	00	1,600	00	1,600	00	2,430	57	1,600	00	811	13	1,600	00	1,600	00
32	11,331	50			12,362	10	3,268	87	2,938	02	6,175	60						
33	3,200	00	6,689	32	3,397	27	1,069	50	941	16	223	96	963	05	1,000	00	410	97
34	23,753	05	39,561	00	12,209	82	2,044	13	1,149	54	1,377	79	5,106	59			1,600	00
35	24,490	22	9,040	00	4,000	00	12,395	95	10,229	56	19,511	58	5,213	84	25,402	94	20,347	12
36	1,600	00	3,200	00	4,800	00	61	10	937	02	313	28	6,550	52	9,210	81		
37	5,358	90			3,738	73	1,047	07	705	18	2,637	40						
38									1,001	88	354	20	3,656	43	1,200	00	2,485	40
39	2,832	87	12,000	00	15,256	72	2,273	55	1,751	22	639	76						
40	493	63	800	60	1,200	00	15	28	786	60	1,475	72			1,877	47		
41			2,636	52	9,927	22	653	77	514	74	166	76						
42			2,980	82	1,383	22	900	70	400	23	3,168	03			2,947	15		
43	2,983	28	3,234	72	9,588	92			868	02	267	96						
44			2,636	52	10,864	82	972	90	787	98	206	20						
45	3,441	10	4,043	40	11,964	43	1,407	60	1,106	38	323	40						
46	1,933	15	2,407	00	1,628	15	1,607	35	1,608	62	1,615	38			1,840	51	1,100	00

N. B.—No sums have been repaid on account of Capital.

Besides Interest there is also due by these Municipalities, interest accrued on Arrears and on Contin-  
gent Expenses.

RECEIVER GENERAL'S DEPARTMENT,  
Ottawa, 18th April, 1868.

No. 4 OF THE ADDRESS.—Continued.

Loan Fund, by several Municipalities in the Province of Ontario,—the sums in accordance with an Address of the Honorable the House of Commons, dated

OF INTEREST, AND DATES.						Balance due 31st Dec., 1867.	
1863.	1864.	1865.	1866.	1867.	1868.	Principal.	Interest on
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
2,000 00	2,000 00	2,000 00	3,200 00	3,200 00	.....	40,000 00	.....
752 72	3,312 00	3,521 62	3,500 00	7,629 08	.....	50,000 00	.....
.....	18,459 40	6,229 70	.....	9,229 70	.....	500,000 00	182,866 71
1,630 00	1,628 00	1,640 00	3,264 00	1,630 00	.....	20,000 00	.....
.....	.....	5,159 53	.....	.....	.....	400,000 00	213,954 35
886 29	905 24	942 45	.....	.....	.....	12,000 00	1,558 18
24,640 00	.....	24,640 00	24,640 00	24,640 00	20,240 00	308,000 00	.....
.....	.....	.....	.....	.....	.....	500,000 00	324,225 45
1,848 47	927 50	927 50	927 50	.....	.....	26,000 00	5,777 32
960 00	.....	902 54	417 00	840 00	200 00	8,000 00	.....
960 00	960 00	1,015 95	1,460 00	1,420 00	.....	12,000 00	.....
1,000 00	3,001 23	4,001 23	8,002 46	.....	4,001 23	104,000 00	25,897 74
.....	.....	.....	.....	.....	.....	52,000 00	27,463 84
6,400 00	6,400 00	3,200 00	9,600 00	6,400 00	.....	80,000 00	.....
.....	.....	2,123 99	2,103 59	.....	.....	154,000 00	70,211 15
2,560 00	1,920 00	3,362 14	2,111 97	1,703 46	.....	32,000 00	.....
640 00	1,280 00	1,280 00	1,920 00	1,280 00	.....	16,000 00	.....
8,637 86	3,000 00	5,638 00	4,319 00	4,319 00	.....	100 000 00	18,925 81
12,932 00	.....	6,592 00	6,592 00	.....	.....	80,000 00	.....
.....	.....	.....	.....	.....	.....	60,000 00	27,560 71
9,534 95	12,608 00	12,608 00	3,461 60	21,754 40	12,608 00	157,600 00	.....
3,879 00	2,120 00	6,695 59	4,479 25	5,499 21	.....	48,000 00	.....
1,920 00	640 00	640 00	1,920 00	640 00	640 00	16,000 00	.....
.....	.....	10,000 00	.....	.....	.....	375,400 00	184,319 81
17,447 16	4,236 96	5,930 26	17,525 07	5,180 22	.....	890,000 00	341,044 10
2,107 13	100 00	2,588 00	.....	.....	.....	20,000 00	.....
.....	.....	240 00	.....	317 28	.....	5,000 00	.....
4,826 68	1,206 67	2,413 33	.....	.....	.....	280,000 00	158,286 41
6,685 20	20,762 80	39,817 34	39,107 76	2,984 00	22,000 00	460,000 00	.....
.....	.....	.....	.....	.....	.....	200,000 00	113,597 24
1,600 00	1,600 00	800 00	3,203 56	800 00	800 00	20,000 00	.....
27,319 24	13,093 29	13,649 04	13,107 00	13,898 76	.....	200,000 00	39,719 63
2,374 42	.....	.....	1,187 01	.....	.....	80,000 00	40,420 30
3,072 00	.....	25,954 70	6,125 33	.....	.....	860,000 00	505,709 93
8,297 90	21,717 47	19,368 32	15,835 60	3,804 30	.....	288,000 00	30,995 68
6,400 00	.....	3,200 00	6,400 00	3,200 00	.....	40,000 00	.....
2,061 94	.....	1,935 60	.....	.....	.....	100,000 00	60,609 92
8,873 35	.....	12,680 85	4,429 15	.....	.....	100,000 00	18,894 18
.....	.....	.....	.....	.....	.....	190,000 00	105,450 92
844 87	816 18	800 00	800 00	800 00	800 00	10,000 00	.....
.....	.....	.....	.....	.....	.....	100,000 00	59,040 72
3,123 98	2,947 15	1,000 00	3,270 32	4,464 64	.....	100,000 00	46,632 97
.....	.....	.....	.....	.....	.....	80,000 00	44,670 35
.....	.....	.....	.....	.....	.....	100,000 00	57,411 31
.....	.....	.....	.....	.....	.....	100,000 10	54,522 02
2,218 79	1,538 74	1,479 66	1,625 27	1,600 00	1,553 42	20,000 90	.....
.....	.....	.....	.....	.....	.....	\$7,300,000 00	\$2,759,766 80

N. B.—As regards Question No. 2, of the Address, the Advances made from Provincial Funds, on account of the Municipal Loan Fund, may be said to extend from day to day, as payment of interest is applied for, which is made a semi-annual charge against the Municipal Loan Fund in the Books of the Province.

As regards Question No. 5, the above Table shows the defaulting Municipalities.

T. D. HARRINGTON,  
Deputy Receiver General.

# R E T U R N

To an Address of the HOUSE OF COMMONS, dated 15th April, 1868; for Copies of all Plans and Specifications, Tenders and Contracts relating to the Carillon and Grenville Canal, since 1st July, 1866; with a statement of the sums paid for the said Works, and the quantity of Materials used, and quantities as paid for.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, April 27th, 1868.



# RETURN

To an Address of the HOUSE OF COMMONS, dated 2nd December, 1867; for Statement of the amount of Costs paid in respect of the Fenian Prosecutions, and the trial for violation of the Revenue Laws, known as the "Halliday Case," with dates and particulars of such payment in each case, and the names of parties receiving the same.

By command.

HECTOR L. LANGEVIN.

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 29th April, 1868.

STATEMENT of the amount of costs paid in respect of the Fenian Prosecutions, and the trial for violation of the Revenue Laws, known as the "Halliday Case," with dates and particulars of such payment in each case, and the names of parties receiving the same, as called for by Address of House of Commons of 2nd December, 1867.

Date.	NAME.	SERVICE.	Amount.
			\$    cts.
1866.			
July 3.....	Hon. J. A. Macdonald	To meet sundry disbursements .....	200 00
Aug. 1.....	F. W. Jarvis .....	To pay for support of prisoners .....	5,000 00
Aug. 18.....	R. A. Harrison .....	To meet expenses .....	250 00
Sept. 1.....	J. F. Pringle .....	Expenses arresting M. Murphy .....	678 83
Do .....	Com. Gen. Archer .....	Hospital expenses, &c., St. Catharines.....	52 30
Oct. 3.....	R. A. Harrison .....	To meet expenses .....	2,000 00
Nov. 5.....	F. W. Jarvis.....	To pay for support of prisoners.....	3,000 00
Nov. 17.....	R. A. Harrison .....	To meet expenses .....	2,000 00
1867.			
Jan. 9.....	do .....	do .....	2,000 00
Do .....	Hon. J. H. Cameron ..	do .....	1,250 00
Jan. 28.....	F. W. Jarvis .....	do .....	5,300 00
Feb. 28 .....	do .....	To pay Jurors.....	244 50
Do .....	Hon. J. H. Cameron ..	Balance for professional services.....	2,250 00
May 2.....	J. Bethune .....	Balance for disbursements .....	537 85
May 16.....	J. McNab.....	For professional services.....	840 00
May 17.....	J. McDonald.....	Summoning and paying Jurors .....	3,558 39
May 27.....	W. Duck .....	For services <i>in re</i> Hecke, Reynolds.....	99 60
June 26.....	R. A. Harrison .....	For professional services.....	5,067 75
July 5.....	F. W. Jarvis .....	For 27 days' services in charge of prisoners, Toronto.....	1,668 00
July 7.....	T. T. Ramsay .....	For professional services at Sweetsburg .....	500 00
June 28.....	do .....	do .....	132 70
<b>Payments on account of Fenian prosecutions . . . . .</b>			<b>\$ 36,629 92</b>

## STATEMENT of the amount of costs paid in the "Halliday Case."

Date.	NAME.	SERVICE.	Amount.
1865.			\$ cts.
Oct. 11.....	Thos. Galt .....	Expenses procuring evidence.....	2,000 00
1866.			
Jan. 15.....	do .....	To meet disbursements.....	1,000 00
Feb. 22.....	do .....	do .....	2,000 00
Mar. 26.....	do .....	For professional service.....	1,773 62
April 20.....	do .....	To meet expenses .....	1,000 00
Aug. 6.....	do .....	For professional services.....	870 49
1867.			
Dec. 27.....	do .....	To meet expenses.....	1,500 00
1865.			
Nov. 7.....	S. B. Merrill.....	do .....	200 00
Do .....	do .....	do .....	275 88
Dec. 20.....	do .....	do .....	500 00
1866.			
Mar. 3.....	do .....	do .....	500 00
May 7.....	do .....	To pay watchman.....	245 00
Sept. 8.....	do .....	do .....	229 08
1867.			
Feb. 8.....	do .....	Balance of expenses.....	355 67
1866.			
Feb. 28.....	A. Brunel .....	To pay G. Langton taking care of Distillery .....	250 00
Sept. 8.....	T. Worthington.....	do do .....	600 00
April 9.....	A. N. Striker .....	For services rendered.....	150 00
1867.			
Feb. 15.....	Crawford & Crombie ..	Amount of taxed Bill of Costs.....	175 05
1866.			
June 16.....	J. Lewis .....	To place to credit of Customs amount disbursed in connection with seizure of high wines, the property of Messrs. Borst & Halliday.....	608 65
			\$ 14,233 44

WILLIAM DICKINSON,  
D. I. G.

FINANCE DEPARTMENT,  
Ottawa, 28th April, 1868.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 1st April, 1868; for Copies of all Accounts rendered to, or in the possession of the Department of Public Works, for services rendered, or refreshments furnished in the year 1860, by any person in the Town of Brantford, on the occasion of the visit of His Royal Highness, the Prince of Wales; together with any correspondence relating thereto.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 30th April, 1868.

# R E T U R N

To an Address of the HOUSE OF COMMONS, dated 28th November, 1867; for a Return of the number of Vessels owned in the Dominion of Canada on 1st July, 1867, with a Statement shewing whether they are steamers or sailing vessels, whether they are sea-going, or river, or lake vessels, whether they are trading or fishing vessels, and also indicating their tonnage, their value, and the Port and the Province they belong to and the number of their crew.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 1st May, 1868.

RETURN of Vessels Owned and Registered in the Dominion of Canada, on 1st  
 PROVINCE

DESCRIPTION OF VESSEL.	TOTAL		REGISTER.				OCCU					
			Provincial.		Imperial.							
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.		
<i>Amherstburgh.</i>												
Steamer, Screw.....	1	22	1	22							1	22
Schooners.....	4	144	4	144							4	144
Sloops.....	3	82	3	82							3	82
Total.....	8	248	8	248							8	248
<i>Belleville,</i>												
Steamer, Paddle.....	1	47	1	47							1	47
Schooners.....	8	1124	8	1124							8	1124
Total.....	9	1171	9	1171							9	1171
<i>Brighton.</i>												
Schooners.....	4	322	4	322							4	322
<i>Brockville.</i>												
Steamer, Paddle.....	1	261	1	261							1	261
Sloop.....	1	84	1	84							1	84
Total.....	2	345	2	345							2	345
<i>Burwell.</i>												
Schooners.....	7	1003	7	1003							7	1003
<i>Bytown.</i>												
Steamers, Paddle.....	8	767	8	767							8	767
Do Screw.....	1	42	1	42							1	42
Barges.....	7	556	7	556							7	556
Total.....	16	1365	16	1365							16	1365
<i>Chatham.</i>												
Schooner.....	1	70	1	70							1	70
<i>Chippawa.</i>												
Steamer, Screw.....	2	35	2	35							2	35
Scows.....	2	154	2	154							2	154
Total.....	4	189	4	189							4	189
<i>Cobourg.</i>												
Steamers, Paddle.....	2	149	2	149							2	149
Brigantines.....	2	419	1	244	1	175					2	419
Schooners.....	5	652	2	241	3	411					5	652
Total.....	9	1220	5	634	4	586					9	1220
<i>Colborne.</i>												
Nil.....												
<i>Cornwall.</i>												
Nil.....												
<i>Cramah.</i>												
Schooners.....	3	263	3	263							3	263



RETURN of Vessels owned and Registered in the  
PROVINCE OF

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.				OCCU			
			Provincial.		Imperial.		Sea Going.		River or Lake.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
<i>Dalhousie.</i>										
Steamers, Paddle.....	1	146	1	146	.....	.....	.....	.....	1	146
Do Screw.....	4	1513	4	1513	.....	.....	.....	.....	4	1513
Barques .....	9	3022	9	3022	.....	.....	.....	.....	9	3022
Brigantines .....	5	1752	5	1752	.....	.....	.....	.....	5	1752
Schooners.....	11	2260	11	2260	.....	.....	.....	.....	11	2260
Barges .....	2	445	2	445	.....	.....	.....	.....	2	445
Scows .....	12	1522	12	1522	.....	.....	.....	.....	12	1522
Total.....	44	10660	44	10660	.....	.....	.....	.....	44	10660
<i>Darlington.</i>										
Schooners.....	4	484	.....	.....	4	484	.....	.....	4	484
<i>Dover.</i>										
Schooners.....	13	843	13	843	.....	.....	.....	.....	13	843
<i>Dundas.</i>										
Steamer, Paddle.....	1	82	1	82	.....	.....	.....	.....	1	82
Schooner.....	1	164	1	164	.....	.....	.....	.....	1	164
Total.....	2	246	2	246	.....	.....	.....	.....	2	246
<i>Dunnville.</i>										
Steamers, Paddle.....	1	64	1	64	.....	.....	.....	.....	1	64
Do Screw .....	2	303	2	303	.....	.....	.....	.....	2	303
Barge .....	1	120	1	120	.....	.....	.....	.....	1	120
Scows .....	13	1434	13	1434	.....	.....	.....	.....	13	1434
Total.....	17	1921	17	1921	.....	.....	.....	.....	17	1921
<i>Fort Erie.</i>										
Nil.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
<i>Gananoque.</i>										
Nil.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
<i>Goderich.</i>										
Steamer, Paddle.....	1	87	1	87	.....	.....	.....	.....	1	87
Schooners.....	7	618	7	618	.....	.....	.....	.....	7	618
Total.....	8	705	8	705	.....	.....	.....	.....	8	705
<i>Hope.</i>										
Steamers, Paddle.....	2	144	2	144	.....	.....	.....	.....	2	144
Schooners .....	7	1070	7	1070	.....	.....	.....	.....	7	1070
Total.....	9	1214	9	1214	.....	.....	.....	.....	9	1214
<i>Hamilton.</i>										
Steamers, Paddle.....	1	94½	1	94½	.....	.....	.....	.....	1	94½
Do Screw .....	2	439	2	439	.....	.....	.....	.....	2	439
Barque .....	1	360	1	360	.....	.....	.....	.....	1	360
Brigantines .....	3	827	3	827	.....	.....	.....	.....	3	827
Schooners.....	19	3313	19	3313	.....	.....	.....	.....	19	3313
Total.....	26	5033½	26	5033½	.....	.....	.....	.....	26	5033½

Dominion of Canada, on 1st July, 1867, &c.—Continued.

ONTARIO.—Continued.

OCCUPATION.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.		Years, over 5 to 10.		Years, over 10 to 20.		Years, over 20 to 30.		Years, over 30.		
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
1	145			\$ 30000	1	146								18	
4	1513			125000	4	1513								60	
9	3022			101000	5	1750			4	1272				88	
5	1752			62000	1	358	3	1074	1	320				50	
11	2260			83000	2	233	3	701	6	1326				88	
2	445			4000	2	445								14	
12	1522			15200	11	1391			1	131				54	
44	10660			420200	26	5836	6	1775	12	3049				372	
4	484			18200	3	349			1	135				20	
13	843			32900	9	479	4	364						69	
1	82			3500	1	82								7	
1	164			6000					1	164				5	
2	246			9500	1	82			1	164				12	
1	64			4000					1	64				6	
2	303			35000	2	303								14	
1	120			2000	1	120								5	
13	1434			17700	11	1168	2	266						54	
17	1921			58700	14	1591	2	266	1	64				79	
1	84			4000	1	87								10	
7	618			18000	2	355	3	125	2	138				33	
8	705			22000	3	442	3	125	2	138				43	
2	144			7500					2	144				12	
7	1070			29400					5	963	2	107		45	
9	1214			36900					7	1107	2	107		57	
1	944			4000	1	944								6	
2	439			40000	1	217			1	222				38	
1	360			8000			1	360						13	
3	827			30000	1	222	1	354	1	251				31	
19	3313			110000	9	1926	2	297	3	1090				137	
26	50534			192000	12	24594	4	1011	10	1563				226	



## RETURN of Vessels Owned and Registered in the

PROVINCE OF

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.				OCCU			
	No.	Tons.	Provincial.		Imperial.		Sea Going.		River or Lake.	
			No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
<i>Kingston.</i>										
Steamers, Paddle.....	15	3363	15	3363					15	3363
Do Screw.....	10	584	10	584					10	584
Barques.....	5	1381	5	1381					5	1381
Brigantines.....	2	601	2	601					2	601
Schooners.....	36	6277	36	6277					36	6277
Sloops.....	15	815	15	815					15	815
Not Rigged.....	36	5071	36	5071					36	5071
Total.....	119	18092	119	18092					119	18092
<i>Kingsville.</i>										
Schooner.....	1	86	1	86					1	86
Scow.....	1	130	1	130					1	130
Total.....	2	216	2	216					2	216
<i>Napanee.</i>										
Brigantine.....	1	206	1	206					1	206
Schooners.....	5	592	5	592					5	592
Sloop.....	1	15	1	15					1	15
Total.....	7	813	7	813					7	813
<i>Newcastle.</i>										
Schooners.....	3	358	3	358			1	125	2	233
<i>Niagara.</i>										
Steamer, Paddle.....	1	255	1	255					1	255
<i>Oakville.</i>										
Schooners.....	18	3128	18	3128					18	3128
<i>Oshawa.</i>										
Nil.....										
<i>Owen's Sound.</i>										
Schooners.....	3	110	3	110					3	110
<i>Penetanguishene.</i>										
Schooners.....	4	144	4	144					4	144
<i>Pictou.</i>										
Schooners.....	29	2740	19	1954	10	986			29	2740
Sloop.....	1	20	1	20					1	20
Total.....	30	2760	20	1974	10	786			30	2760
<i>Prescott.</i>										
Nil.....										
<i>Queenston.</i>										
Nil.....										
<i>Rowan.</i>										
Steamer, Screw.....	1	119			1	119			1	119
Schooners.....	2	283	2	283					2	283

Dominion of Canada, on 1st July, 1867, &c.—Continued.

ONTARIO.—Continued.

OCCUPATION.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.		Years 5 to 10.		Years, over 10 to 20.		Years, over 20 to 30.		Years over 30.		
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
15	3363	.....	.....	\$ 279200	3	822	2	435	7	1683	3	423	.....	.....	273
10	584	.....	.....	53500	6	427	3	90	1	67	.....	.....	.....	.....	75
5	1331	.....	.....	67500	4	1208	1	173	.....	.....	.....	.....	.....	.....	56
2	601	.....	.....	13000	.....	.....	.....	.....	2	601	.....	.....	.....	.....	20
36	6277	.....	.....	188850	13	3174	8	925	12	1860	3	318	.....	.....	235
15	415	.....	.....	7900	6	217	4	211	3	253	2	134	.....	.....	64
36	3071	.....	.....	52850	11	2332	4	436	20	2252	1	51	.....	.....	174
119	18693	.....	.....	662800	43	8130	22	2270	45	6716	9	926	.....	.....	897
1	86	.....	.....	3000	1	86	.....	.....	.....	.....	.....	.....	.....	.....	5
1	130	.....	.....	2000	1	130	.....	.....	.....	.....	.....	.....	.....	.....	6
2	216	.....	.....	5000	2	216	.....	.....	.....	.....	.....	.....	.....	.....	11
1	206	.....	.....	5000	.....	.....	.....	.....	1	206	.....	.....	.....	.....	6
5	592	.....	.....	34000	3	461	1	81	1	50	.....	.....	.....	.....	31
1	15	.....	.....	1000	.....	.....	1	15	.....	.....	.....	.....	.....	.....	3
7	813	.....	.....	40000	3	461	2	96	2	256	.....	.....	.....	.....	40
3	358	.....	.....	8200	1	158	2	200	.....	.....	.....	.....	.....	.....	17
1	255	.....	.....	40000	1	255	.....	.....	.....	.....	.....	.....	.....	.....	18
18	3128	.....	.....	123900	9	1863	2	341	7	924	.....	.....	.....	.....	137
3	110	.....	.....	3106	1	40	2	70	.....	.....	.....	.....	.....	.....	11
3	122	1	22	4150	2	87	2	57	.....	.....	.....	.....	.....	.....	14
29	2740	.....	.....	90700	15	1660	2	159	11	892	1	29	.....	.....	163
1	20	.....	.....	300	.....	.....	.....	.....	1	20	.....	.....	.....	.....	3
30	2760	.....	.....	91000	15	1660	2	159	12	912	1	29	.....	.....	166
1	119	.....	.....	11000	.....	.....	.....	.....	1	119	.....	.....	.....	.....	10
2	283	.....	.....	18000	1	100	1	183	.....	.....	.....	.....	.....	.....	14

RETURN of Vessels Owned and Registered in the

PROVINCE OF

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.				OCCU			
			Provincial.		Imperial.		Sea Going.		River or Lake.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
<i>Rouan.—Continued.</i>										
Scows.....	4	354	4	354					4	354
Total.....	7	756	6	637	1	119			7	756
<i>Sarnia.</i>										
Steamers, Paddle.....	1	356	1	356					1	356
Do Screw.....	3	127	1	110	2	117			3	127
Schooners.....	2	48	2	48					2	48
Total.....	6	1621	4	1504	2	117			6	1621
<i>Saugren.</i>										
Schooners.....	2	194	2	194					2	194
<i>Sault Ste. Marie.</i>										
Nil.....										
<i>Stanley.</i>										
Steamer, Screw.....	1	334	1	334					1	334
Schooners.....	3	248	3	248					3	248
Total.....	4	582	4	582					4	582
<i>Toronto.</i>										
Steamers, Paddle ..	1	104	1	104					1	104
Do Screw.....	4	752	4	752					4	752
Barque.....	1	279	1	279					1	279
Brigantine.....	1	347	1	347					1	347
Schooners.....	28	2245	28	2245					28	2245
Sloop.....	1	17	1	17					1	17
Total.....	36	3744	36	3744					36	3744
<i>Trenton.</i>										
Nil.....										
<i>Wallaceburgh.</i>										
Steamer, Paddle.....	1	117	1	117					1	117
Schooners.....	20	2120	20	2120					20	2120
Not Rigged.....	12	792	12	792					12	792
Total.....	33	3029	33	3029					33	3029
<i>Whitby.</i>										
Schooners.....	2	410	2	410					2	410
<i>Windsor.</i>										
Steamers, Paddle.....	3	2536	3	2536					3	2536
Do Screw.....	1	73	1	73					1	73
Barque.....	1	342	1	342					1	342
Not Rigged.....	13	494	13	494					13	494
Total.....	18	3445	18	3445					18	3445

Dominion of Canada, on 1st July, 1867, &c.—Continued.

ONTARIO.—Continued.

OCCUPATION.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.	Years, over 5 to 10.		Years, over 10 to 20.		Years, over 20 to 30.		Years, over 30.			
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
4	354	.....	.....	\$ 8100	2	191	1	69	1	91	.....	.....	.....	.....	28
7	756	.....	.....	37100	3	291	2	252	2	213	.....	.....	.....	.....	52
1	356	.....	.....	25000	1	356	.....	.....	.....	.....	.....	.....	.....	.....	10
3	1217	.....	.....	45700	.....	.....	3	1217	.....	.....	.....	.....	.....	.....	19
2	48	.....	.....	3000	2	48	.....	.....	.....	.....	.....	.....	.....	.....	5
6	1621	.....	.....	73700	3	404	3	1217	.....	.....	.....	.....	.....	.....	33
2	191	.....	.....	10000	2	191	.....	.....	.....	.....	.....	.....	.....	.....	11
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	334	.....	.....	29000	1	334	.....	.....	.....	.....	.....	.....	.....	.....	21
3	248	.....	.....	9500	3	248	.....	.....	.....	.....	.....	.....	.....	.....	10
4	582	.....	.....	29500	4	582	.....	.....	.....	.....	.....	.....	.....	.....	31
1	104	.....	.....	17000	.....	.....	1	104	.....	.....	.....	.....	.....	.....	12
4	752	.....	.....	42000	3	713	1	39	.....	.....	.....	.....	.....	.....	61
1	279	.....	.....	3000	.....	.....	.....	.....	1	279	.....	.....	.....	.....	7
1	347	.....	.....	10500	.....	.....	1	347	.....	.....	.....	.....	.....	.....	11
28	2245	.....	.....	51400	7	459	6	538	10	789	5	459	.....	.....	152
1	17	.....	.....	300	.....	.....	.....	.....	1	17	.....	.....	.....	.....	3
36	3744	.....	.....	127200	10	1172	9	1024	12	1385	5	459	.....	.....	249
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	117	.....	.....	14000	1	117	.....	.....	.....	.....	.....	.....	.....	.....	10
20	2120	.....	.....	61900	6	806	11	1239	3	75	.....	.....	.....	.....	93
12	792	.....	.....	10650	9	644	3	143	.....	.....	.....	.....	.....	.....	41
33	3029	.....	.....	89550	16	1567	14	1387	3	75	.....	.....	.....	.....	144
2	410	.....	.....	10000	.....	.....	.....	.....	2	410	.....	.....	.....	.....	15
3	2556	.....	.....	308000	1	1252	1	94	1	1190	.....	.....	.....	.....	37
1	73	.....	.....	18000	1	73	.....	.....	.....	.....	.....	.....	.....	.....	6
1	342	.....	.....	18000	1	342	.....	.....	.....	.....	.....	.....	.....	.....	11
13	494	.....	.....	11000	7	341	5	130	1	23	.....	.....	.....	.....	43
18	3445	.....	.....	35000	10	2008	6	224	2	1213	.....	.....	.....	.....	97

RETURN of Vessels owned and Registered in the  
RECAPITULATION

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.						OCCU	
			Provincial.		Imperial.		Sea Going.		River or Lake.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Steamers, Paddle.....	41	8572	41	8572	.....	.....	.....	.....	41	8572
Do Screw.....	32	5433	29	5197	3	236	.....	.....	32	5433
Barques.....	17	5384	17	5384	.....	.....	.....	.....	17	5384
Brigantines.....	14	4152	13	3977	1	175	.....	.....	14	4152
Schooners.....	252	31313	235	20632	17	1681	1	125	251	31188
Sloops.....	22	1033	22	1033	.....	.....	.....	.....	22	1033
Barges.....	10	1121	10	1121	.....	.....	.....	.....	10	1121
Scows.....	32	3594	32	3594	.....	.....	.....	.....	32	3594
Not Rigged.....	61	6357	61	6357	.....	.....	.....	.....	61	6357
Total.....	481	66959	460	64867	21	2092	1	125	480	66834

PROVINCE

<i>Gaspé.</i>										
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Brigantines.....	2	214	.....	.....	2	214	2	214	.....	.....
Schooners.....	42	1864	.....	.....	42	1864	42	1864	.....	.....
Total.....	44	2078	.....	.....	44	2078	44	2078	.....	.....
<i>Montreal.</i>										
Steamers, Paddle.....	86	8182	65	5094	21	3088	1	789	85	7893
Do Screw.....	59	11698	17	1406	42	10202	6	6957	53	4651
Ships.....	6	6212	.....	.....	6	6212	6	6212	.....	.....
Barques.....	7	2723	.....	.....	7	2723	4	1973	3	750
Brigs.....	1	224	.....	.....	1	224	1	224	.....	.....
Brigantines.....	4	901	.....	.....	4	901	1	341	3	560
Schooners.....	76	7674	26	2298	50	5376	6	649	70	7025
Sloops.....	34	2571	28	2280	6	291	.....	.....	34	2571
Barges.....	201	22447	169	18250	32	4197	.....	.....	201	22447
Scows.....	33	2346	33	2346	.....	.....	.....	.....	33	2346
Bateaux.....	129	8689	128	8647	1	42	.....	.....	129	8689
Not Rigged.....	16	1819	16	1819	.....	.....	.....	.....	16	1819
Total.....	652	75396	482	42,400	170	33256	25	17145	627	58251
<i>New Carlisle.</i>										
Brigantines.....	6	635	6	635	.....	.....	6	635	.....	.....
Schooners.....	20	866	14	612	6	254	20	868	.....	.....
Total.....	26	1501	20	1247	6	254	26	1501	.....	.....
<i>Quebec.</i>										
Steamers, Paddle.....	61	5220	.....	.....	61	5220	.....	.....	61	5220
Do Screw.....	15	1241	.....	.....	15	1241	2	380	13	861
Ships.....	19	19945	.....	.....	19	19945	19	19945	.....	.....
Barques.....	15	7395	.....	.....	15	7395	15	7395	.....	.....
Brigs.....	2	337	.....	.....	2	337	2	337	.....	.....
Brigantines.....	20	3437	.....	.....	20	2437	20	3437	.....	.....
Schooners.....	437	27450	.....	.....	437	27450	151	10794	286	16,560
Barges.....	137	11,400	.....	.....	137	11,690	.....	.....	137	11,690
Total.....	706	76715	.....	.....	706	76715	209	42288	497	344,700

Dominion of Canada, on 1st July, 1867, &c.—Continued.

PROVINCE OF ONTARIO.

PATRON.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.	Years, over 5 to 10.		Years, over 10 to 20.		Years, over 20 to 30.		Years, over 30.			
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
41	8572	.....	.....	\$ 838700	17	3819	5	680	14	3485	5	588	.....	.....	525
52	5433	.....	.....	396600	19	3602	10	1423	3	408	.....	.....	.....	.....	3 3
17	5384	.....	.....	197500	10	3300	2	533	5	1551	.....	.....	.....	.....	175
14	4182	.....	.....	140500	2	580	5	1775	7	1797	.....	.....	.....	.....	137
251	31.91	1	22	1069800	112	15154	53	5597	76	9649	11	913	.....	.....	1488
22	1033	.....	.....	12300	9	209	5	226	6	374	2	134	.....	.....	84
10	1121	.....	.....	13000	7	906	1	48	2	167	.....	.....	.....	.....	52
32	3594	.....	.....	44900	25	2880	5	489	2	225	.....	.....	.....	.....	150
61	6357	.....	.....	74500	27	3817	12	714	21	2275	1	51	.....	.....	258
480	6687	1	22	2787800	228	33857	98	11485	136	19931	19	1686	.....	.....	3192

OF QUEBEC.

2	214	.....	.....	4340	.....	.....	.....	.....	2	214	.....	.....	.....	.....	14
11	627	31	1237	42022	10	339	11	514	13	619	8	392	.....	.....	315
13	841	31	1237	46362	10	339	11	514	15	833	8	392	.....	.....	329
86	8182	.....	.....	818200	31	3569	17	1902	29	2256	9	455	.....	.....	1194
59	11608	.....	.....	580400	28	2525	12	5348	18	3622	1	113	.....	.....	784
6	6212	.....	.....	186360	2	2177	.....	.....	4	4035	.....	.....	.....	.....	150
7	2723	.....	.....	81690	5	2101	.....	.....	2	622	.....	.....	.....	.....	87
1	224	.....	.....	6720	1	224	.....	.....	.....	.....	.....	.....	.....	.....	7
4	901	.....	.....	22525	1	341	.....	.....	3	560	.....	.....	.....	.....	31
76	7674	.....	.....	191850	10	1082	18	1551	47	4990	1	48	.....	.....	372
34	2571	.....	.....	51420	13	924	7	458	11	984	2	132	1	73	128
201	22447	.....	.....	224470	111	13196	31	3625	56	5158	3	463	.....	.....	825
33	2346	.....	.....	23460	15	1227	3	162	15	957	.....	.....	.....	.....	117
129	3689	.....	.....	86890	59	4948	48	2569	21	1122	1	50	.....	.....	426
16	1819	.....	.....	18190	.....	.....	8	201	7	930	1	88	.....	.....	59
652	75396	.....	.....	2292175	276	32314	144	16419	213	25236	18	1354	1	73	4180
6	635	.....	.....	5000	2	256	2	176	2	203	.....	.....	.....	.....	37
20	866	.....	.....	7490	4	157	8	406	7	268	.....	.....	1	35	79
26	1501	.....	.....	12490	6	413	10	582	9	471	.....	.....	1	35	116
61	5220	.....	.....	465200	25	2558	10	856	23	1552	2	83	1	171	494
15	1241	.....	.....	188740	5	424	4	170	6	647	.....	.....	.....	.....	123
19	19945	.....	.....	620860	13	15265	1	986	3	1792	2	1902	.....	.....	432
15	7595	.....	.....	241600	14	7012	.....	.....	.....	.....	1	383	.....	.....	207
2	337	.....	.....	6052	1	166	.....	.....	.....	.....	1	171	.....	.....	13
20	3437	.....	.....	111932	13	2354	3	555	2	295	1	75	1	158	152
426	269.6	11	494	488532	113	7876	86	4213	148	10489	70	3999	20	873	1824
137	11690	.....	.....	160002	28	2449	20	2888	47	3358	38	2742	4	253	678
695	76221	11	494	2282918	212	33104	124	9668	229	18133	115	9355	26	1455	3923

RETURN of Vessels Owned and Registered in the  
 RECAPITULATION—

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.						OCCU	
			Provincial.		Imperial.		Sea Going.		River or Lake.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Steamers, Paddle .....	147	13402	65	5094	82	8308	1	789	146	12613
Do Screw .....	74	12843	17	1406	57	11443	8	7337	66	5312
Ships .....	25	26157			25	26157	25	26157		
Barques .....	22	10118			22	10118	19	9368	3	750
Brigs .....	3	561			3	561	3	561		
Brigantines .....	32	5187	6	635	26	4552	29	4629	3	560
Schooners .....	575	3754	40	2910	535	3444	219	14173	356	23681
Sloops .....	34	2571	2	2280	6	291			34	2571
Barges .....	338	34137	169	18250	169	15887			338	34137
Scows .....	33	2346	33	2346					33	2346
Bateaux .....	129	8689	128	8647	1	42			126	8689
Not Rigged .....	16	1819	16	1819					16	1819
Total .....	1428	155690	502	43387	926	112302	304	63012	1124	92678

PROVINCE OF

<i>North m.</i>										
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Steamers, Paddle .....	2	140			2	140			1	140
Ship .....	1	1279			1	1279	1	1279		
Barques .....	2	987			2	987	2	987		
Brigantines .....	1	165			1	166	1	166		
Schooners .....	38	1324			38	1324	33	1324		
Total .....	44	3896			44	3896	42	3756	2	140
<i>Saint Andrew's.</i>										
Steamer, Screw .....	1	9			1	9			1	9
Ships .....	4	3521			4	3521	4	3521		
Barques .....	15	7555			15	7555	15	7555		
Brigantines .....	13	3240			13	3240	13	3240		
Schooners .....	142	5869			142	5869	52	3849	90	2020
Sloops .....	1	28			1	28			1	28
Total .....	176	20222			176	20222	84	18165	92	2057
<i>Saint John.</i>										
Steamers, Paddle .....	20	3339			20	3339	2	407	18	2932
Do Screw .....	5	56			5	56			5	56
Ships .....	85	92667			85	92667	85	92667		
Barques .....	80	35710			80	35710	80	35710		
Brigs .....	17	5333			17	5333	17	5333		
Brigantines .....	87	18573			87	18573	87	18573		
Schooners .....	189	13768			189	13768	189	13768		
Sloops .....	2	20			2	20	2	20		
Woodboats .....	121	7193			121	7193			121	7193
Total .....	606	176659			606	176659	462	166478	144	10181

Dominion of Canada, on 1st July, 1867, &c.—Continued.

PROVINCE OF QUEBEC.

PATION.				VALUE.	AGE.										N. of Men employed.
Trading.		Fishing.			Years, 5 and under.	Years, over 5 to 10.	Years, over 10 to 20.	Years, over 20 to 30.	Years, over 30.						
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.			
147	13402			\$ 1283400	56	6127	27	2758	52	3808	11	538	1	171	1683
74	1249			769140	33	2949	16	5518	24	4269	1	113			907
25	26157			807220	15	17442	1	986	7	6827	2	1902			582
22	10118			323290	19	9113			2	622	1	383			294
3	561			12772	2	399				1	171				20
32	5187			143797	16	2951	5	731	9	1272	1	75	1	158	234
533	36123	42	1731	729894	137	9454	123	6687	215	16366	79	4439	21	903	2590
24	2571			51420	13	924	7	458	11	984	2	132	1	73	123
338	34137			384472	139	15645	51	6513	103	8516	41	3210	4	253	1503
33	234			234 0	15	1227	3	162	15	957					117
129	8689			86890	89	4948	48	2569	21	1122	1	50			426
16	1819			18190			8	801	7	930	1	83			59
13-6	153959	42	1731	4633945	504	71170	289	27183	466	44673	141	11101	28	1563	8548

NEW BRUNSWICK.

2	140			5000	1	23		1	117						12
1	1279			40000	1	1279									22
2	987			24000	1	388	1	599							25
1	166			3000	1	166									8
26	1081	12	243	16120	18	592	11	438	7	233	1	19	1	42	137
32	3653	12	243	88120	22	2448	12	1037	8	350	1	19	1	42	204
1	9			1000			1	9							4
4	3521			108000	1	1126	1	943	1	728	1	724			106
15	7555			255000	11	5463	3	1675	1	417					209
13	3240			106800	8	1731	5	1509							111
46	4496	96	2374	116530	15	949	52	1491	71	2680	15	420	9	329	409
		1	23	200					1	28					2
79	178 0	97	2402	587530	35	9269	42	5627	74	3853	16	1144	9	329	841
20	3339			333900	11	2688	4	329	4	272	1	70			290
5	56			2800	1	16			5	40					39
85	92667			2780010	32	25428	19	22150	31	32475	3	2614			1839
80	35710			1071300	68	30937	10	3876	1	698	1	190			984
17	5333			159990	14	4629	2	492	1	212					171
87	18573			464325	69	15432	17	3002	1	129					698
189	13768			344200	80	7434	42	2657	48	2380	17	697	2	100	864
2	20			400			2	20							7
121	7193			71930	23	1377	13	980	66	2983	18	817	1	36	360
606	176659			5228855	298	97921	109	33506	156	40690	40	4397	3	136	5162





Dominion of Canada, on 1st July, 1867, &c.—Continued.

PROVINCE OF ONTARIO.

PATION.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.	Years, over 5 to 10.	Years, over 10 to 20.	Years, over 20 to 30.	Years. over 30.						
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
22	3479			\$ 338900	12	2691	4	320	5	389	1	70			212
6	65			3800	1	16	1	9	4	40					43
90	97467			2928010	34	37833	20	23093	32	33203	4	3338			1967
97	44252			1350300	80	36788	14	6150	2	1115	1	199			1218
17	5333			159990	14	4629	2	492	1	212					171
101	21979			574125	78	17329	22	4511	1	139					817
261	18344	108	2617	476850	118	8975	85	4586	126	5793	33	1136	12	471	1410
2	20	1	28	600			2	20	1	28					9
121	7193			71930	23	1377	13	980	66	3983	18	817	1	36	360
717	198132	109	2645	5904505	355	109638	163	40170	233	44902	57	5560	13	567	6207

NOVA SCOTIA.

7	3226			165000	6	2793	1	433							66
6	1797			92000	6	1797									58
6	1137			62000	5	882	1	255							52
27	2139			96300	19	1721	7	344	1	74					135
1	8			400			1	8							2
47	8307			415700	36	7193	10	1040	1	74					343
4	1511			43500	3	1201	1	310							42
38	6347			143250	10	2033	9	1485	19	2829					296
92	7703	144	3849	218680	47	3142	48	2655	83	3705	47	1647	11	403	1273
134	15561	144	3849	405430	60	6376	58	4450	102	6534	47	1647	11	403	1611
1	145			4640	1	145									6
3	138	1	23	5152	4	161									15
4	283	1	23	9792	5	306									21
2	262			10800	2	262									14
8	834	7	153	28200	7	524	3	191	5	272					76
10	1096	7	153	39000	9	786	3	191	5	272					90
3	398			14200	2	310	1	88							19
6	282	6	123	8100	6	282	6	123							63
9	680	6	123	22300	8	592	7	211							82
6	1417			59370	1	872	2	436	3	699					84

RETURN of Vessels owned and Registered in the  
RECAPITULATION

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.				OCCU			
	No.	Tons.	Provincial.		Imperial.		Sea Going.		River or Lake.	
			No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
<i>Halifax.—Continued.</i>										
Steamer, Screw.....	1	278			1	278	1	278		
Ships.....	2	1846			2	1846	2	1846		
Barques.....	48	20898			48	20898	48	20898		
Brigs.....	44	7693			44	7693	44	7693		
Brigantines.....	126	19347			126	19347	126	19347		
Schooners.....	1107	42414			1107	42414	1107	42414		
Sloops.....	1	26			1	26	1	26		
Total.....	1335	93919			1335	93919	1335	93919		
<i>Hawkesbury.</i>										
Barques.....	2	729			2	729	2	729		
Brigantines.....	4	565			4	565	4	565		
Schooners.....	35	1807			35	1807	35	1807		
Total.....	41	3101			41	3101	41	3101		
<i>Liverpool.</i>										
Barques.....	17	5240			17	5240	17	5240		
Brigs.....	1	210			1	210	1	210		
Brigantines.....	22	4283			22	4283	22	4283		
Schooners.....	56	2668			56	2668	56	2668		
Total.....	96	12401			96	12401	96	12401		
<i>Lunenburg.</i>										
Barques.....	1	395			1	395	1	395		
Brigantines.....	8	1405			8	1405	8	1405		
Schooners.....	171	7349			171	7349	171	7349		
Total.....	180	9149			180	9149	180	9149		
<i>Parrsborough.</i>										
Barques.....	2	976			2	976	2	970		
Brigs.....	3	946			3	946	3	946		
Brigantines.....	17	3268			17	3268	17	3268		
Schooners.....	22	1876			22	1876	22	1876		
Total.....	44	7066			44	7066	44	7066		
<i>Pictou.</i>										
Steamers.....	4	214			4	214			4	214
Ships.....	1	1466			1	1466	1	1466		
Barques.....	42	16587			42	16587	42	16587		
Brigs.....	5	1120			5	1120	5	1120		
Brigantines.....	36	7137			36	7137	36	7137		
Schooners.....	66	3037			66	3037	66	3037		
Total.....	154	29561			154	29561	150	29347	4	214
<i>Port William.</i>										
Brigantines.....	1	250	1	250			1	250		
Schooners.....	5	422	5	422			5	422		
Total.....	6	672	6	672			6	672		

Dominion of Canada, on 1st July, 1867, &c.—Continued.

NOVA SCOTIA.—Continued.

PATRON.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.		Years, over 5 to 10.		Years, over 10 to 20.		Years, over 20 to 30.		Years, over 30.		
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
				\$											
1	278			11120			1	278						16	
2	1844			64260	2	1844								40	
48	20898			651640	33	16111	4	1206	3	2673	2	644	1	264	
44	7643			213550	12	3075	3	546	12	1834	17	2238		345	
126	19347			580190	57	10800	25	3946	23	2512	11	1405	7	684	
193	16165	914	26249	1064656	117	6897	147	7120	247	10263	367	11684	229	6450	
		1	26	1040	1	26								3	
420	67644	915	26275	2645826	223	39127	182	13532	293	17891	400	15971	237	7398	
2	729			21870	2	729								20	
4	565			16950	3	384	1	181						34	
14	919	21	897	52580	18	1068	11	515	4	113	2	111		390	
20	2204	21	897	91400	23	2181	12	696	4	113	2	111		444	
17	5240			303000	13	3954	2	877	2	400				184	
1	210			8000			1	210						9	
22	4283			241500	14	2939	7	1138	1	156				181	
11	744	45	1924	107750	24	1333	11	592	12	490	7	200	2	53	
51	10477	45	1924	660250	51	8276	21	2817	15	1055	7	200	2	53	
1	395			19750	1	395								12	
8	1403			44075	7	1322			1	83				68	
24	1321	147	6028	239930	63	3196	56	2450	51	1648			1	55	
33	3121	147	6028	313755	71	4913	56	2450	52	1731			1	55	
2	976			35650	2	976								22	
3	946			31000	3	946								32	
17	3268			114250	16	3070	1	198						133	
22	1876			56150	16	1423	4	347	2	106				119	
44	7066			537650	37	6415	5	545	2	106				311	
4	214			16700	1	59			3	155				22	
1	1466			12000					1	1466				30	
42	6587			305850	33	13658	3	1083	5	1555	1	291		497	
5	1120			8300			1	236	3	731	1	153		47	
36	1137			137940	22	5122	3	511	10	1380	1	124		288	
55	7842	11	195	44820	19	1494	9	409	15	466	20	612	3	56	
143	29366	11	195	535540	75	20333	16	2239	37	5753	23	1180	3	56	
1	250			10000	1	250								8	
5	422			13900	3	310	2	112						23	
6	672			23900	4	560	2	112						31	

RETURN of Vessels Owned and Registered in the  
PROVINCE OF

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.				OCCU			
			Provincial.		Imperial.		Sea Going.		River or Lake.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
<i>Pugwash.</i>										
Not heard from.....										
<i>Shelburne.</i>										
Barques.....	9	3458			9	3458	9	3458		
Brigs.....	1	180			1	180	1	180		
Brigantines.....	19	2045			19	2945	19	2945		
Schooners.....	76	3904			76	3904	76	3904		
Total.....	105	10487			105	10487	105	10487		
<i>Sydney.</i>										
Steamers, Paddle.....	1	24			1	24			1	24
Do Screw.....	1	33			1	33			1	33
Barques.....	1	387			1	387	1	387		
Brigs.....	4	704			4	764	4	764		
Brigantines.....	7	1464			7	1454	7	1454		
Schooners.....	73	4001			73	4001	73	4001		
Total.....	87	6663			87	6663	85	6606	2	57
<i>Windsor.</i>										
Ships.....	21	19959			21	19959	21	19959		
Navires.....	38	19088			38	19088	38	19088		
Brigs.....	12	3041			12	3941	12	3041		
Brigantines.....	72	13055			72	13055	72	13055		
Schooners.....	100	7337			100	7337	100	7337		
Total.....	243	62480			243	62480	243	62480		
<i>Yarmouth.</i>										
Ships.....	25	21717			25	21717	25	21717		
Barques.....	90	44795			90	44795	90	44795		
Brigs.....	21	5917			21	5917	21	5917		
Brigantines.....	28	4021			28	4021	21	4021		
Schooners.....	270	10893			270	10893	28	10893		
Total.....	434	87343			434	87343	270	87343		
							434			

\*RECAPITULATION—PROVINCE

Steamers, Paddle.....	11	1655			11	1655	6	1477	5	238
do Screw.....	2	311			2	311	1	278	1	33
Ships.....	49	44988			49	44988	09	44988		
Barques.....	261	117290			261	117200	261	117290		
Brigs.....	97	21668			97	21688	97	21668		
Brigantines.....	390	66019	4	648	386	63371	390	68019		
Schooners.....	2275	100952	17	827	2258	100125	2275	100952		
Sloops.....	2	34			2	34	2	74		
Total.....	3087	352917	21	1475	3066	351442	3081	352646	6	271

\* Ports of Guysborough and Pugwash not heard from.

Dominion of Canada, on 1st July, 1867, &c.—Continued.

NOVA SCOTIA.—Concluded.

PATRON.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.		Years 5 to 10.		Years, over 10 to 20.		Years, over 20 to 30.		Years over 30.		
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
				\$											
9	3458			162100	6	2149	3	1309							94
1	180			12000	1	180									9
19	2945			177600	15	2527	4	418							150
12	873	64	3031	228400	52	2879	20	849	3	142	1	34			762
41	7456	64	3031	580100	74	7735	27	2576	3	142	1	34			1015
1	24			2000					1	24					4
1	33			8000	1	33									5
1	387			15480	1	387									14
4	764	19		20200	1	326			3	438					38
7	1454			58560	4	903			3	551					64
54	3616	19	385	132590	19	1080	17	1123	30	1539	4	157	3	102	318
68	6278		385	236830	26	2729	17	1123	37	2552	4	157	3	102	443
21	19959			443984			18	17644	3	2315					504
33	19088			525070	36	18205	2	883							548
12	3041			76740	8	2144	2	438	2	459					122
72	13055			322594	52	9852	16	2773	3	322	1	108			586
100	7337			127651	42	3363	32	2315	16	994	9	617	1	48	943
243	62480			1496039	138	33564	70	24053	24	4090	10	725	1	48	2199
25	21717			709000	20	18234	3	2089	2	1394					432
90	44795			1371970	67	33723	21	10170	2	902					1241
21	5917			154900	8	2285	12	3388	1	244					220
28	4021			109650	19	2906	6	769	3	346					208
42	3275	228	7618	198380	95	4748	66	2280	95	3358	9	291	5	216	1990
206	79725	228	7618	2543900	209	61896	108	18696	103	6244	9	291	5	216	4091

OF NOVA SCOTIA.

11	1655			78070	2	431	2	436	7	788					110
2	311			19120	1	33	1	278							21
49	44988			1229244	22	20080	21	19733	6	5175					1006
261	117290			3620880	203	94281	37	16271	17	5539	3	935	1	264	3352
97	21668			616590	29	10753	19	4818	21	3706	18	2391			880
390	66019			2068229	230	43757	74	11762	63	8179	16	1637	7	684	3037
668	50477	1607	50475	2623239	551	33621	439	21425	564	23170	466	15353	255	7383	10877
1	8	1	26	1440	1	26	1	8							5
2479	302416	1608	50501	10256812	1049	202982	594	74731	678	46557	503	20316	263	8331	19288

## RETURN of Vessels Owned and Registered in the

## RECAPITULATION—

DESCRIPTION OF VESSEL.	TOTAL.		REGISTER.				OCCU			
			Provincial.		Imperial.		Sea Going.		River or Lake.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Steamers, Paddle.....	221	27108	106	13666	115	13442	9	2613	212	24495
Do Screw.....	114	18658	46	6603	68	12055	9	7615	105	11043
Ships.....	164	168612	.....	.....	164	168612	164	168612	.....	.....
Barques.....	397	177044	17	5384	380	171660	377	170910	20	6134
Brigs.....	117	27562	.....	.....	117	27562	117	27562	.....	.....
Brigantines.....	537	97387	23	5260	514	92077	520	92625	17	4712
Schooners.....	3471	191080	292	33369	3179	157711	2774	134191	697	56889
Sloops.....	61	3686	50	3513	11	373	4	54	57	3632
Barges.....	348	35258	179	19371	169	15887	.....	.....	348	35358
Scows.....	65	5940	65	5940	..	.....	.....	.....	65	5940
Bateaux.....	129	8689	128	8647	1	42	.....	.....	129	8689
Woodboats.....	121	7193	.....	.....	121	7193	.....	.....	121	7193
Not Rigged.....	77	8176	77	8176	.....	.....	.....	.....	77	8176
Total.....	5822	776343	983	109729	4839	666614	3974	604182	1848	172161
Ontario.....	481	66959	469	64867	21	2092	1	125	480	66834
Quebec.....	1428	155690	502	43387	926	112303	304	63012	1124	92678
New Brunswick.....	826	200777	.....	.....	826	200777	588	188399	238	12378
Nova Scotia.....	3087	352917	21	1475	3066	351442	3081	352646	6	271
Total.....	5822	776343	983	109729	4839	666614	3974	604182	1848	172161

Shipping owned and registered at the Ports of Amherst, in the Province of Quebec, and Guysborough  
The column of values represents but a mere rough approximation. The age of a vessel was probably in most returns differed widely from others in their estimate of values. In some the values were omitted altogether

CUSTOMS DEPARTMENT,  
Ottawa, 28th April, 1868.

Dominion of Canada, on 1st July, 1867, &c.—*Concluded.*

DOMINION OF CANADA.

OCCUPATION.				VALUE.	AGE.										No. of Men employed.
Trading.		Fishing.			Years, 5 and under.		Years, over 5 to 10.		Years, over 10 to 20.		Years, over 20 to 30.		Years, over 30.		
No.	Tons.	No.	Tons.		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	
				\$											
221	27108	.....	.....	2539070	87	13068	38	4203	78	8470	17	1196	1	171	2538
114	18658	.....	.....	1188660	54	6600	28	7223	31	4717	1	113	.....	.....	1294
164	168612	.....	.....	4964474	71	75355	42	43812	45	44205	6	5240	.....	.....	3555
397	177044	.....	.....	5491970	312	143482	53	22954	26	8827	5	1517	1	264	5039
117	27562	.....	.....	789352	55	15772	21	5310	22	3918	19	2562	.....	.....	1071
537	97337	.....	.....	2928651	326	64617	106	18779	80	11387	17	1712	8	842	4225
1713	136235	1758	54845	4899783	913	67204	700	38295	981	54973	589	21841	288	8762	16365
59	3632	2	54	65760	23	1249	15	712	18	1386	4	260	1	73	226
348	35258	.....	.....	397472	146	16551	52	6561	105	8683	41	3210	4	253	1555
65	5940	.....	.....	68360	40	4107	8	651	17	1182	.....	.....	.....	.....	267
129	8689	.....	.....	86890	59	4948	48	2569	21	1122	1	50	.....	.....	426
121	7193	.....	.....	71930	23	1377	13	980	66	3983	18	817	1	36	360
77	8176	.....	.....	92690	27	3317	20	1515	28	3205	2	139	.....	.....	317
4062	721444	1760	54899	23583062	2136	417647	1144	153569	1518	156063	720	38663	304	10401	37235
480	66937	1	22	2787800	228	33857	98	11485	136	19931	19	1686	.....	.....	3192
1386	153959	42	1731	4633945	504	71170	289	27183	466	41673	141	11101	28	1563	8548
717	198132	109	2645	5904505	355	169638	163	40170	238	44902	57	5560	13	507	6207
1479	302416	1608	50501	10256812	1049	202982	594	74731	678	46557	503	20316	263	8331	19288
4062	721444	1760	54899	23583062	2136	417647	1144	153569	1518	156063	720	38663	304	10401	37235

and Pugwash, in the Province of Nova Scotia, not included in the above, no returns having been received. cases the basis upon which the value was deduced; but this is often a fallacious criterion. Some of the and the omissions supplied by the best data at hand.

R. S. M. BOUCHETTE,  
*Commissioner of Customs.*



# RETURN

To an Address of the House of Commons, dated 1st April, 1868 ; for a Statement shewing the number of Railways in the Dominion of Canada; when built; the length; cost of construction and equipment; cost per mile; proportion of rolling stock for each one hundred miles: also, number of passengers per mile per annum; receipts from passengers per mile per annum; ditto from freight per ditto; gross receipts; working expenses per mile per annum; renewal of rails, ties, &c., per mile per annum; total working expenses per mile per annum of each of the Railways for 1866; together with the number of Railways now under construction, and the length of each.

By Command,

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 7th May, 1868.

OTTAWA, 7th May, 1868.

SIR,—I have the honor to transmit, herewith, the Return called for by an Address of the House of Commons, dated 1st April last, regarding Railways in the Dominion of Canada.

The Address is also enclosed.

I have the honor to be, Sir,

Your obedient servant,

F. BRAUN,

*Secretary.*

The Honorable the Secretary of State,  
&c., &c., &c.,  
Ottawa.

GENERAL STATEMENT shewing the length, date of opening and cost of Railways  
[miles; the number of passengers per mile per annum; the receipts from

No.	NAME OF RAILWAY.	Length of Main Track.	When opened.	Cost of Construction and Equipment.	Cost per Mile.
	<i>Provinces of Ontario and Quebec.</i>	Miles.		\$	\$ cts.
1	Great Western.....	(a) 352.25	{ 10th Nov., 1853. 27th Dec., 1858. }	24,777,430	70,340 47
2	Grand Trunk, inclusive of subsidiary lines..	(b) 1376.50	1847 to 1860-1864.....	102,302,502	74,633 40
3	Northern .....(Not added below.)	(c) 96.75	{ 13th June, 1853 to 2nd Jan., 1855... }	5,457,789	56,411 26
4	Buffalo and Lake Huron (included in No. 2),	160.00	{ 1st Nov., 1856 16th May, 1860 }		
5	London and Port Stanley.....	24.00	1st October, 1856.....	1,032,850	43,035 41
6	Cobourg, Peterboro' and Marmora.....	(d) 28.00	May, 1854.....	900,000	32,142 85
7	Erie and Ontario.....	(e) 17.00	3rd July, 1854.....	300,000	17,647 06
8	Ottawa and Prescott.....(Not added below.)	54.00	December, 1854.....	2,008,994	37,203 59
9	Montreal and Champlain (included in No. 2)	83.00	Nov., 1847, to Aug., '51		
10	Carillon and Grenville.....	12.75	October, 1854.....	981,761	7,745 96
11	St. Lawrence and Industry.....	12.00	May, 1850.....	54,100	4,508 33
12	Port Hope, Lindsay and Beaverton.....	56.50	30th December, 1857..	1,993,580	35,284 60
13	Welland.....	25.00	27th June, 1859.....	1,622,843	64,913 72
14	Brockville and Ottawa.....	86.50	{ 17th Feb., 1859 31st Dec., 1860 } ...	2,647,004	30,601 20
15	Stanstead, Shefford and Chambly.....	43.00	{ 1st Jan., 1859 June, 1860..... } ...	1,216,000	28,279 07
16	Peterborough and Chemung Lake.....	4.00	6th July, 1859.....	Appears to be	included in
	Totals, Ontario and Quebec.....	(f) 2,188.25	(g)	\$144,911,853 (h)	66,222 71

\* The figures shewing Cost of Construction and Equipment, Rolling Stock and Traffic on the various On Railways Nos. 7, 15, 18, for the year ending 31st December, 1865; on No. 5, for the year ending On Nos. 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, for the year ending 31st December, 1866; on No. 1, for by John Langton, Auditor), and on Nos. 17, 19, 20, for the year ending 20th June, 1867.—(See Reports of † Rolling Stock leased from Vermont Central Railway. ‡ These figures relate to the Lindsay Road only, and do not include passengers on the branch from (a) Exclusive of 11 miles from Preston to Berlin, reported to be no longer in use. (b) The Grand Trunk comprises the following subsidiary lines, in Canada and the United States, viz:—

No. 4, Buffalo and Lake Huron.....  
No. 9, Montreal and Champlain.....

Total subsidiary Lines in Canada.....

Atlantic and St. Lawrence.....  
Port Huron and Detroit.....

Total subsidiary Lines in United States.....

(c) The length shown in the Railway Times Tables is only 94 miles. In the Report of the Railway

(d) The length of Railway open for traffic has been returned as being only 14 miles; on this are based under cost of construction and equipment is the original cost to the present owners. The value of this section of the railway, the length of which is about 8 miles, and is not included herein. This latter section terminus of the main line on Rice Lake. It was opened for traffic on the 24th May, 1867. The amount Lake, between 1st January, 1867, and the autumn of the same year, is about \$400,000.

(e) No returns have been obtained for this railway. The amount marked as cost of construction and in 1866. It was rebuilt and re-opened during the summer of 1867. It now extends from Niagara to Fort

(f) The figures indicating the length of main track are taken from the Report of the Commissioners of

(g) The figures indicating the time when opened are taken from the Report of the Commissioners of

(h) See page 555, Appendix No. 70, Report of Commissioner of Public Works, for 1867.

in the Dominion of Canada; also, the proportion of Rolling Stock for each 100 passengers and freight, and the working expenses per mile per annum.\*

Proportion of Rolling Stock for each 100 miles.					No. of passengers per mile per annum.	Receipts per mile per annum.			Working Expenses per mile per annum.		
Locomotive.	1st class Cars.	2nd class Cars.	Freight Cars.	Platform Cars.		From Passengers	From Freight.	Gross Receipts.	Working Expenses proper.	Renewals of Rails, Ties, Bridges, &c.	Total Working Expenditure.
						\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
27	24	26	272	74	2,147	4,359 05	4,615 05	9,551 44	4,574 73	{ Included in working expenses. } 437 26 571 31	4,574 73
22	11	17	186	95	1,039	1,601 00	2,772 96	4,797 00	2,888 56		3,325 82
18	18	13	114	229	1,420	1,281 19	3,767 21	5,301 03	3,194 68		3,765 99
8	12	24	112	56	1,545	618 95	680 33	1,383 00	1,085 08	.....	1,085 08
.....	.....	.....	7	86	37	18 36	1,172 35	1,190 71	956 43	85 71	1,042 14
13	11	11	98	48	852	1,049 96	734 11	1,939 54	1,264 05	1,876 59	3,140 65
15	15	23	15	23	1,832	864 39	114 58	1,018 12	553 01	.....	553 01
25	17	25	25	117	402	165 75	457 50	623 25	490 08	.....	490 08
14	11	4	38	131	† 512	564 65	2,478 19	3,094 09	1,415 93	.....	1,415 93
20	12	.....	580	32	1,545	547 96	3,132 92	4,277 84	2,802 04	340 00	3,142 04
7	5	3	20	95	534	463 89	736 79	1,308 69	727 90	380 38	1,108 28
†	.....	.....	.....	.....	488	326 00	946 90	1,358 60	1,026 46	.....	1,026 46
No 6											
20	13	16	173	94	1,179	\$1,975 11	2,837 54	5,076 61	2,867 36	316 74	3,233 46

Railways, are up to the date of the latest published Returns, viz. :—  
 31st January, 1866.  
 the year ending 31st January, 1867.—(See Miscellaneous Statistics of Canada, for the year 1866, signed the Railway Commissioners of New Brunswick and Nova Scotia, for 1866-7.)

Millbrook to Peterborough, 13½ miles in length.

Length in miles.	Cost of Construction and Equipment.	Cost per mile.
160.00	8,060,780	50,004 87
83.00	2,417,688	29,128 77
<b>243.00</b>	<b>\$10,418,468</b>	<b>\$42,874 35</b>
166.00	5,978,900	36,017 47
62.00	2,169,736	34,995 74
<b>228.00</b>	<b>\$8,148,636</b>	<b>\$35,739 63</b>

Commissioners of Canada, for the years 1859 and 1860, it is marked 95.14.  
 the figures in the various columns, excepting the cost of construction and cost per mile. The amount marked railway, in 1866, was stated at \$109,000. No official returns have been obtained respecting the Marmora of the railway extends from the River Trent to the Iron Mines at Marmora, and is at about 25 miles from the expended for construction on the Marmora section, and for repairs on the main line, from Cobourg to Rice

equipment is that which was invested by local municipalities. This railway was not opened to the public Erie, opposite Buffalo, a distance of about 30½ miles.

Railways for 1859-60, and from the G.T.R. Time Tables, published in 1868.  
 Railways for 1859-60.

## GENERAL STATEMENT shewing the length, date of opening and

No.	NAME OF RAILWAY.	Length of Main Track.	When opened.	Cost of Construction and Equipment.	Cost per Mile.
	<i>Province of New Brunswick.</i>	Miles.		\$	\$ cts.
17	European and North American, from St. John to Shediac and Pointe du Chêne.....	108.00	{ 1st August, 1860. } { To Shediac..... }	4,761,980	44,092 41
18	New Brunswick and Canada, from St. Andrew's, Bay of Fundy, to Richmond...	88.00	June, 1862.....	2,750,000	31,250 00
	Totals, New Brunswick.....	196.00	.....	\$7,511,980	38,826 43
	<i>Province of Nova Scotia.</i>				
19	Halifax, Truro and Windsor.....	93.00	(i) 15th Dec., 1858...	(j) 4,345,136	46,721 89
20	Truro and Pictou .....	52.00	31st May, 1867.....	(k) 1,981,130	38,096 73
	Totals, Nova Scotia.....	145.00	.....	\$6,326,266	43,629 42
	Totals, Dominion of Canada.....	2,529.25	.....	\$158,750,099	62,765 68

(i) This date is only for the section from Halifax to Truro. The opening of the Windsor section has (j) See page 3, Appendix 4, of the Railway Commissioners' Report for 1867.

(k) The Report of the Railway Commissioners for Nova Scotia, for 1867, at page 6, shews the cost as for damages, land, buildings and materials, as shewn by Appendix A II, at page 18 of the same Report. the time of completion amounts to \$2,116,500, or to \$40,701.92 per mile, according to figures furnished by

DEPARTMENT OF PUBLIC WORKS,  
Ottawa, 4th May, 1868.

cost of Railways in the Dominion of Canada, &c.—Continued.

Proportion of Rolling Stock for each 100 miles.					No. of passengers per mile per annum.	Receipts per mile per annum.			Working Expenses per mile per annum.		
Locomotives.	1st class Cars.	2nd class Cars.	Freight Cars.	Platform Cars.		From Passengers	From Freight.	Gross Receipts.	Working Expenses proper.	Renewals of Rails, Ties, Bridges, &c.	Total Working Expenditure.
						\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
11	11	6	58	97	1,473	662 91	706 21	1,429 35	1,058 29	{ Included in working expenses. }	1,058 29
8	3	3	60	30	92	.....Not ascertained....		612 55	438 85		do
10	7	4	59	67	853	.....	.....	\$1,062 62	780 17	.....	780 17
} 15	8	9	50	121	996	649 44	660 05	1,460 47	1,269 45	{ Included in working expenses. }	1,269 45
	15	8	9	50	121	\$649 44	660 05	1,460 47	1,269 45		.....
19	12	15	162	94	1,137	\$1,772 65	2,522 96	4,558 24	2,614 01	316 74	2,930 74

not been ascertained.

being \$1,946,892.54 up to 1st July, 1867, but this is exclusive of a sum of \$34,237.74 charged to the Counties This sum has been added to the preceding one in the present statement. The total cost of this road up to Sandford Fleming, C. E.

(Signed,) G. F. BAILLAIRGÉ, C. E.

STATEMENT shewing the number of Railways under construction, and the length of each, in the Dominion of Canada, as far as ascertained, up to May, 1868.

NAME OF RAILWAY.	Length in Miles.
<b>PROVINCE OF NEW BRUNSWICK.</b>	
<i>European and North American :</i>	
Western Extension—From St. John to Boundary Line, State of Maine.....	86.50
Eastern Extension—Between Moncton and Province Line, Nova Scotia, leading to Amherst....	37.00
Fredericton Branch—From Fredericton to Junction with Western Extension..	21.50
<i>New Brunswick and Canada :</i>	
Woodstock Branch.....	11.00
St. Stephen's Branch.....	19.10
Total, New Brunswick.....	176.00
<b>PROVINCE OF NOVA SCOTIA.</b>	
<i>Windsor and Annapolis.....</i>	85.00
Total, Nova Scotia.....	85.00
Total, Dominion of Canada.....	260.00

DEPARTMENT OF PUBLIC WORKS,  
Ottawa, 4th May, 1868.

# RETURN

To an Address of the House of Commons, dated 27th April, 1868; for Copies of all Correspondence and Documents, which have passed between the Canadian and Imperial Governments, relating to the Status, rights and privileges abroad of British subjects naturalized in any one of the Provinces now forming a portion of the Dominion,

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 30th April, 1868.

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*The Duke of Newcastle to Viscount Monck.*

(Copy,—Circular.)

DOWNING STREET, 28th July, 1863.

MY LORD,—My attention has been called by the Secretary of State for Foreign Affairs to the inconvenience which is frequently experienced in cases in which Foreigners naturalized in British Colonies claim British protection from Her Majesty's Representatives abroad.

I have pointed out to Earl Russell that, under the provisions of the Imperial Act 10 and 11 Vict., cap. 83, the effect of Colonial Naturalization is confined exclusively to the Colony in which the alien may reside, and that when such aliens pass beyond the limits of that Colony they lose all claim to be considered, for any purpose whatever, as British subjects. But, in order to insure that this is distinctly understood by the person naturalized, it is desirable that all certificates of Colonial Naturalization should bear on their face an unequivocal announcement of their purely local character. This is, I think, in most instances, already the case. But if it should not be so in the Colony under your Government I should wish you to take steps in order to cause the requisite additions to be made to the form of certificate.

I have, &c.,

(Signed,)

NEWCASTLE.

Governor, the Right Honorable  
Viscount Monck, &c., &c., &c.

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*Lord Monck to the Duke of Newcastle.*

(Copy,—No. 62.)

QUEBEC, 22nd April, 1864.

MY LORD DUKE,—I have the honor to inform Your Grace that the certificates of naturalization granted to aliens in Canada, contain on the face of them an announcement that the rights conferred by them are exclusively confined to this Province.

It was not therefore necessary to take any steps in reference to this matter under the directions contained in your Circular Despatch of July 28th, 1863.

His Grace  
The Duke of Newcastle,  
&c., &c., &c.,

I have, &c.,  
(Signed,) MONCK.

*Mr. Cardwell to Viscount Monck.*

(Copy,—Circular, Canada.)

DOWNING STREET, 5th June, 1863.

MY LORD,—Her Majesty's Government have had under their consideration certain applications, that foreigners naturalized in one or other of Her Majesty's Colonies may be enabled, like foreigners naturalized in this country, to obtain British Passports for foreign travel, with their attendant advantages.

A circular which Lord Clarendon has addressed to Her Majesty's Ministers and Consular Officers abroad, and of which I enclose a copy, will show you the extent to which Passports granted under the authority to be conferred upon you by his Despatch, will be available for the holders in countries beyond Her Majesty's Dominions.

I have now to authorize you to issue Passports to persons naturalized as British subjects in the Colony under your Government. In exercising this authority care must be taken that every Passport is signed by the Officer administering the Government, that it contains an express declaration that the person receiving it is naturalized as a British subject in the Colony under your Government, and that it states the period for which it is available, which must not exceed twelve months from the date of issue. A Memorandum on a separate paper should be given with each Passport, stating, that it may be exchanged in London for a Foreign Office Passport, on the recommendation of the Secretary of State for the Colonies, but that it will not be renewed at any of Her Majesty's Missions or Consulates abroad, but only at the Foreign Office in London, except under the special circumstances stated in the Foreign Office Circular, whence it may be exchanged once for all at any of those Missions or Consulates for a Passport strictly limited to such a length of time as will enable the bearer to reach England or any of Her Majesty's Possessions abroad, and that the Passport will not confer on the Bearer any claim to British protection in the country of his birth.

I annex a Form of Passport which may be adopted, and of the Memorandum which should be given with it.

Governor,  
The Right Honorable Viscount Monck,  
&c. &c. &c.

I have, &c.,  
(Signed,) EDWARD CARDWELL.

(Copy,—Circular, No.—)

FOREIGN OFFICE, May 21st, 1866.

I have to acquaint you that I have arranged with the Secretary of State for the Colonial Department that I should send instructions to Her Majesty's Ministers and Consuls abroad, directing them to extend to persons naturalized in British Colonies, and holders of Passports either from the Colonial Governors or the Foreign Office, bearing on the face of them the place of naturalization and the period for which the Passports are good, the same protection during that period as they are now in the habit of extending to persons holding Passports in which they are described as "naturalized British subjects."

I have to instruct you to act in conformity with this arrangement.

You will understand that Passports granted to persons naturalized in the Colonies, like Passports granted to naturalized British subjects generally, cannot as a general rule, be renewed by any of Her Majesty's Ministers or Consuls abroad; but, in order to relieve any such persons from inconvenience in case they should have remained abroad beyond the time specified in their Passports, you are authorized in any such cases to give such parties, in exchange for their original Passports, Passports strictly limited to the time required for a



direct journey back to the United Kingdom, or to any of Her Majesty's Possessions abroad; but no second Passport of the same kind must be given, without the case being submitted to this Office, to a person who shall appear to have prolonged his stay beyond that limit.

I have, &c.

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FORM OF PASSPORT.

This Passport is granted to A. B., naturalized as a British subject of \_\_\_\_\_ to enable him to travel in Foreign Parts, and is available for the period of \_\_\_\_\_ months, from the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

(Signed.) C. D.,  
Governor (or otherwise, as the case may be,) of the Colony of \_\_\_\_\_

(Copy.)

*Memorandum.*

The Passport accompanying this Memorandum may, on the recommendation of the Secretary of State for the Colonies, be exchanged in London for a Foreign Office Passport, available for the unexpired portion of the period for which it was originally granted.

It can be renewed only at the Foreign Office in London, on the recommendation of the Secretary of State for the Colonies, but it may be exchanged, if run out, at any of Her Majesty's Missions or Consulates in Foreign Countries, for a Passport strictly limited to such length of time as will enable the bearer to reach England, or any of Her Majesty's Possessions abroad. Such limited renewal may be effected once, and once only, by a British Minister or Consul in Foreign Parts. The Passport confers on the bearer no claim to British Protection in the country of his birth.

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*The Duke of Buckingham to the Officer Administering the Government.*

(Copy.—Circular, Canada.)

DOWNING STREET, 25th April, 1867.

SIR,—With reference to the Circular Despatch from this Department, dated the 5th June, 1866, relative to the case of foreigners naturalized in any of Her Majesty's Colonies, who wish to obtain British Passports for foreign travel, I have the honor to inform you that different cases have occurred lately in which such naturalized foreigners have applied in this country for Passports, without being in possession either of a Passport from the Governor or of any Official Document from the Colony to establish their identity and character. You will readily perceive that this is calculated to embarrass this Department, and also to cause much private inconvenience to the persons concerned if they should find themselves unable to produce any sufficient evidence of their quality.

I have therefore to suggest that, in every Colony containing naturalized foreigners who are likely to travel in Europe, it would be convenient that notice should, from time to time, be given in public newspapers of the necessity for such persons providing themselves before leaving the Colony with some Official evidence of their identity and description.

I have, &c.,

(Signed,)

BUCKINGHAM AND CHANDOS.

The Officer Administering the Government,  
&c., &c., &c.

# THE GOLD REGION OF NOVA SCOTIA.

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## R E P O R T

OF

DR. T. STERRY HUNT, F.R.S.,

ADDRESSED TO

SIR W. E. LOGAN, F.R.S.,

DIRECTOR OF THE GEOLOGICAL SURVEY OF CANADA.

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**Printed by Order of the House of Commons.**

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1868.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 15th April, 1868; For Copies of Reports made by the Officers of the Geological Survey, with reference to the Gold Districts of Nova Scotia.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 5th May, 1868.

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THE GOLD REGION OF NOVA SCOTIA.

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REPORT

OF

DR. T. STERRY HUNT, F. R. S.,

ADDRESSED TO SIR W. E. LOGAN, LL.D., F.R.S., F.G.S., ETC., DIRECTOR OF THE  
GEOLOGICAL SURVEY OF CANADA.

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MONTREAL, April 30, 1868.

SIR,—Early in the month of November last you were pleased to order me to proceed to Nova Scotia for the purpose of making some observations on the gold-bearing rocks of that Province, with the view of comparing them with those of other parts of the Dominion,\* and also of obtaining such information as might be useful in the event of a Geological Survey of Nova Scotia itself. In this excursion I was accompanied by Mr. A. Michel, who had already and independently formed the plan of visiting the gold region of that Province, and of whose extensive knowledge in matters connected with gold mining I was anxious to avail myself. My own stay in Nova Scotia was confined to about four weeks, in the months of November and December, but as it seemed not improbable that a report on that region might be called for, it was deemed desirable to secure the services of Mr. Michel during another month, which he spent in the Province after my return. A report drawn up by him is before me, and will be made use of in the following pages.

GEOLOGY OF THE GOLD REGION.

The principal sources of information about the geology and mineralogy of the Nova Scotia gold region are as follows: Dr. J. W. Dawson's *Acadian Geology*, published in

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\*NOTE.—In this connection may be noticed the recent announcement by Prof. E. J. Chapman, of University College, Toronto, in a letter dated March 8, 1868, and published in the *Toronto Globe and Leader*. He has found gold in certain specimens of copper pyrites and galena, collected by himself from veins in the region of Black Bay, lying between Neepigon River and Thunder Bay on Lake Superior. Carefully repeated assays by him of these ores yielded amounts of gold varying from 17 dwt. to 19 dwt. together with rather more than 2 oz. of silver to the ton. Some of the ores contained, besides, from eight to eleven per cent of copper, and one nearly one-half of its weight of lead.

These veins, as remarked by Prof. Chapman, belong to the Upper Copper-bearing rocks of Lake Superior, described as altered Silurian strata, in the *Geology of Canada*, chapter V. By referring to that work, on page 76, where the veins of this series of rocks are described, it will be seen that the presence of small quantities of gold in one them, associated with silver, copper, and cobalt, is indicated. I detected gold with the silver from the Prince's Mine, in 1848, as described in the Geological Report of that year, page 63, and in 1863, wrote as follows in the *Geology of Canada*, page 745:—

“It has already been mentioned that the native silver from Prince's Mine contains small quantities of gold. The parallelism in age and mineral contents between the Upper Copper-bearing rocks of Lake Superior and the Quebec group of Eastern Canada, makes it not improbable that gold may one day be added to the list of the mineral riches of Lake Superior.”

This anticipation, however, in no way detracts from the economic importance of Prof. Chapman's discovery.

1855; a report of Mr. Henry Poole, dated January 31st, 1862; one by John Campbell, dated February 25th, of the same year, and a second, dated February, 1863, and accompanied with a geological section. These reports were published by the Provincial Government. In addition to these should be noticed the valuable reports of Prof. Benjamin Silliman, published in 1864; one on the Tangier district, and another on those of Waverley and Montague. To each of these is prefixed a sketch of the gold region, embodying a great amount of information with regard to its geology, mineralogy and economic importance. In the following introductory pages I shall make free use of the data furnished by the gentlemen just named, adding thereto such observations as I was able to make during my own short visit at a season of the year very unfavorable to examination. Farther researches will doubtless enable us to extend and, perhaps, to modify, in some particulars the statements here made with regard to the geology of the region, which still presents many points requiring farther study. I must here call attention to a little work published within the last three months by Mr. John Lovell of this city, and entitled *A Practical Guide to the Gold Fields of Nova Scotia*, by Mr. Heatherington, now of Halifax. In it the author has brought together a great mass of information with regard to the history and present prospects of the gold region of Nova Scotia, together with important statistical tables, and an Appendix containing, among other things, the text of the present mining laws of Nova Scotia. He has also given copious extracts from the reports of Messrs. Poole and Campbell, together with a reduced copy of the geological section appended by the latter to his report of 1855. Mr. Heatherington commenced the publication, in January last, of a monthly journal called the *Mining Gazette*, and devoted to the mining interests of Nova Scotia.

Although the *Acadian Geology* of Dr. Dawson was published in 1855,\* some years before the discovery of gold, there will be found in its fifteenth chapter a somewhat detailed description of the coast district of Nova Scotia, which has since become famous as a gold region. This consists of a zone of ancient stratified rocks lying exposed between the overlying strata of the Carboniferous system on the north-west and the ocean on the south-east and having a breadth of from thirty to fifty miles in the wider portions, which to the north-east is reduced to not over eight miles. This belt of rocks extends along the Atlantic coast for a distance of about 250 miles, from Cape Sable on the west to Cape Canseau on the east, and has a superficies of about 6,000 square miles. Its surface is generally low, rising, however, in some places, to about 500 feet above the sea, and is in great part rocky and barren, the powerful denuding agencies to which, in past times, it has been exposed, having, over a large portion of the area, removed the alluvial deposits with which it was once covered, and left the upturned and worn edges of the strata bare, or covered only with boulders of quartzite or granitic rocks. A large portion of this region is still an unexplored wilderness and some of the most important gold districts are in localities which, until the discovery of the precious metal, were unreclaimed forests, so that it is in every way probable that farther explorations may detect many other districts not less important than those already known.

The rocks of this region consist chiefly of slates and quartzites; they are, however, cut in many places by intrusive granites, and in addition to these several small areas of gneissic rocks occur in different parts of the belt, but their true relations to the great mass of the strata are not yet clearly made out. Leaving these aside, the rocks which cover the principal part of the area under consideration, are, by Mr. Campbell, divided into a quartzite group, and a clay-slate group, the latter conformably overlying the quartzites, and the two constituting one gold-bearing series; the total measured thickness of these two divisions is, according to the same authority, nearly two miles; but the gold appears to be chiefly confined to the quartzite and the lower portions of the clay slate division. The geological age of these rocks is uncertain; although comparatively little altered, they are without fossils, so far as yet known, and are very unlike the fossiliferous Upper Silurian and Devonian rocks met with in other parts of the Province; at the same time the high antiquity of the gold-bearing strata is shown by the fact that the Carboniferous system rests upon their upturned edges, and is partly formed from their ruins. In the present state of our knowledge it appears probable that they may represent a part

\* A second and much enlarged edition of this work is now in press, and will shortly appear.

of the Lower Silurian series, which, like the Upper Silurian and Devonian of this part of the continent, may be supposed to consist chiefly of non-calcareous sediments.

The rocks of the gold series are affected by undulations running nearly east and west, which have raised the strata to high angles, often approaching the vertical. According to Mr. Campbell there are not less than six principal anticlinals exhibited on a transverse line of section extending from the sea shore at the southeast entrance to Halifax Harbor, northward to the Renfrew gold district, a distance of about thirty-five miles. The direction of these nearly parallel anticlinals is about east and west; but to the westward they bend towards the south, and to the eastward, in like manner, disappear beneath the sea, between Cape Canseau and Liscombe Harbor, with a strike, E 30° S.

In addition to the great east and west folds, the gold series is affected by a second series of more gentle undulations, having a north and south direction, and producing transverse anticlinals, on the crowns of which the gold-bearing portions of the series are brought to the surface, while they are concealed not only in the great east and west synclinals, but also in the north and south synclinals where these traverse the east and west anticlinals. The total thickness of the series, as already stated, is estimated at about two miles, and the amount of erosion on the crowns of some of the anticlinals, according to Mr. Campbell, cannot be less than one and a half miles in vertical thickness, of which the upper half mile, consisting of clay slates, is generally sterile. Since, so far as yet observed, the gold is confined to the quartzite and the lowest portions of the overlying clay slate, it would follow that wide areas of the latter, holding the upper portions of it, will be destitute of gold, or yield it only along a narrow belt where the lower and auriferous portions of the slate may be brought to the surface along the line of an anticlinal, as is observed, according to M. C., at the Ovens gold field. When, on the contrary, erosion has exposed a wide zone of the underlying quartzite on the crest of an anticlinal, the breadth of the area in which gold may be sought for is much increased.

Mr. Campbell has called special attention to what he has called the grain or reed-like marking often impressed on the surface of the beds in a direction parallel to the east and west axes of folding, and he points out that the angle of dip, eastward or westward, of these markings on the crown of the great anticlinals enables us to detect the transverse or north and south lines of undulation, which have at a subsequent period disturbed the horizontality of the east and west anticlinal folds. The markings in question often appear as rib-like ridges or flutings, which are most conspicuous on the surface of the auriferous quartz layers and the enclosing beds. On the summit of the anticlinal folds they are sometimes so large, and so well defined as to give to the layers a wrinkled or corrugated form, producing what is designated in the region as barrel quartz, and has by some observers been compared to the ripples on water, and by others to that parallel arrangement of logs which is seen on what is called a corduroy road. The best known samples of this is at Waverley, but it is also seen at Montague, Oldham, and at Upper Stewiacke.

To return to the six east and west anticlinals recognized by Mr. Campbell in his section from the southeast entrance of Halifax Harbor to Renfrew,—the Ovens and Tangier gold-fields, according to him occur on the first or southernmost anticlinal, while that of Lawrencetown is on the second, Old Tangier on the third, Waverley on the fourth, Oldham on the fifth, and Renfrew on the sixth anticlinal. Farther to the northeastward the gold fields of Wine Harbor, Sherbrooke, Isaac's Harbor and Country Harbor, are by him respectively referred to the second, third, fourth and fifth anticlinals.

Mr. Campbell has described an interesting locality to the north of the anticlinal of Country Harbor, which merits further examination, and may be mentioned in this connection. It is at the Narrows of Country Harbor, and near a range of high granitic hills, which appear on the western side of the harbor, running northward; while the general direction of the rocks in this region is N. 60° W., they have, at the locality in question, a strike of N. 15° W., and dip towards the granite at an angle of eighty-five degrees. Regularly interstratified with the beds, which are here more micaceous than farther southward, are numerous quartz lodes in a band of about 600 yards in breadth, the quartz holding gold, with mispickel and small garnets and zircons. Minute portions of oxide of tin were also, according to Mr. Campbell, found with gold in alluvial washing from this neighborhood.

Having thus acquired a general notion of the geological structure of the region, we

may consider its lithological characters, which are very simple. The quartzite which forms the principal rock of the lower division, interstratified however with thin layers of bluish argillite or clay slate, is essentially a granular quartz rock, with an apparently argillaceous cement, sometimes considerable in amount. It is hard and gray in color, passing into blackish or greenish in the interior, but becoming nearly white on weathered surfaces. Its lines of bedding are distinct, and besides two sets of joints which often cause it to break into regular rhombic masses, it occasionally shows a slaty cleavage, independent of the bedding, and from a development of mica in the cleavage planes, passes into a very quartzose mica slate. The quartzite of this region is, by the miners generally designated as *whin*, the vulgar name in Scotland for a greenstone or diorite, which somewhat resembles it in color and texture, though a softer rock than the Nova Scotia quartzite.

The slate, which is interstratified in thin bands with the quartzite, and frequently forms the underlying rock of the gold-bearing quartz lodes, is generally a soft and fissile, bluish or blackish argillite, or clay slate, and the same may be said of the strata which form the base of the upper or clay slate division of the gold series, so far as I have had an opportunity of observing it. A peculiarity of this region, which strikes every mineralogist, is the great rarity of everything like calcareous rocks or minerals. This is seen in the absence of limestone, serpentine, diorite or other hornblendic rocks, and of talcose or chloritic slates, nothing of the kind being met with in most of the gold districts. Prof. Silliman, however, mentions the rare occurrence of chloritic slate, and also of epidote and staurotide in minute crystals in the Tangier district, and of a green magnesian rock resembling serpentine and holding gold, at Wine Harbor. Small portions of chlorite are found in the quartz lodes at Sherbrooke, Oldham and Montague. Chloritic and hornblendic rocks, according to Dr. Dawson, occur near Yarmouth, and in the peninsula which terminates in Cape Canseau, fine-grained gneiss with much mica slate, and clay slates abounding in crystals of chialstolite, are met with.

#### METALLIFEROUS LODES.

In the series of rocks just described gold is occasionally met with, disseminated both in the quartzite and in its accompanying bands of slate; but it is chiefly found in well-defined beds or layers of a more or less pure quartz, which are generally distinct from these rocks, although interstratified with them. Besides these there are other quartz lodes which cut or intersect the strata, filling cross fissures, which, according to Mr. Campbell, are generally connected with the north and south line of elevation. These cross veins are irregular, seldom continuous, and, though sometimes carrying gold, are of little economic importance and seldom wrought. The fact that the productive quartz lodes of Nova Scotia are conformable with the stratification has been insisted upon both by Messrs. Silliman and Campbell. The latter, who conceives them to be newer than the strata, and to have been formed in openings or separations between the beds of slate and quartzite, mentions that the lodes in some instances pass from the plane of one bed to another, in descending. In one supposed instance pointed out to me, this appearance seemed due to a small fault running east and west, parallel with and near the crown of a great anticlinal. In other cases this apparent change of plane depends, I think, upon irregularities in the bedding, and the intercalation of lenticular masses of argillite or quartzite in the layers of metalliferous quartz. The beds of all these materials occasionally thin out and disappear in the strike or dip, and in some cases beds of quartz separated by layers of interposed rock are found to unite farther on into a single bed. So far as my present observation goes, I think that to describe them otherwise than as interstratified beds would be to give a false notion of their geognostic relations. The laminated structure of many of the lodes, and the intercalation between their layers of thin continuous films or layers of argillite, can hardly be explained in any other way than by supposing these lodes to have been formed by successive deposition at what was, at the time, the surface of the earth. There is, moreover, evidence that these laminae were formed before the lodes were folded and contorted; this is furnished by some remarkable specimens of the so-called barrel quartz which I took from a lode at Upper Stewiacke, and which consists of a bluish quartz in thin plates, sometimes not more than one-twentieth of an inch in thickness, and presenting in some instances glazed surfaces coated with thin argillaceous films, and in others, pellicles of argillite having the thickness of paper. The surfaces of all these layers are deeply

striated or furrowed at right angles to the axis of the larger convolutions of the bed, result evidently due to a sliding of the layers of the quartz lode over one another during the corrugation of the strata which has here taken place near the summit of the anticlinal. It seems not improbable that the corrugated structure of the lodes, which gives rise to the barrel quartz, is due to the difference in texture, and to the greater resistance to lateral pressure offered by the quartz layers than by the enclosing beds of clay and sandstone, which by their consolidation have given rise to the argillites and quartzites. There is, moreover, evidence that during the movement of the strata, openings and fissures were in some cases formed in these quartz lodes, giving rise to joints in which gold, metallic sulphurets, and carbonate of lime were afterwards deposited, apparently by solution and segregation from the adjacent parts of the lode.

It has been shown that gold-bearing lodes are met with at intervals through a great thickness of the auriferous series. As remarked by a writer in a late number of the *Mining Gazette*, these lodes in Nova Scotia generally, if not always, occur in groups, each of which may include twelve, twenty, or more lodes of various dimensions. Other portions of the series are without quartz lodes, or contain groups which are apparently destitute of gold.

It results from the interstratification of the auriferous lodes, and their exposure on the denuded crowns of the anticlinals that, unless there has been a vertical displacement along the line of the east and west anticlinal, we should expect to find each lode of the north side repeated on the south side of the anticlinal axis. This repetition of the veins is recognized by the miners themselves in some of the districts, and becomes of service in guiding explorers.

The elevations and depressions of the east and west anticlinal axes, caused by the transverse undulations, give to the outcrops of the strata which appear on the worn-down surfaces of the anticlinal domes, the form of more or less elongated ellipses, since the outcrops of the beds on the north and south sides of the axis must bend round toward each other, and unite whenever the plane of erosion intersects a north and south synclinal. Of this a fine instance occurs at Oldham.

While the slope of the beds on the two sides of the anticlinal axis will, unless the beds are vertical or present an overturn dip, be in opposite directions, it is easy to see that in the case of a synclinal the layers, being arranged in a basin, will dip towards each other from the opposite sides. The main anticlinals already spoken of are, as is always the case, accompanied by subordinate parallel undulations which affect, more or less, the distribution of the auriferous strata. Thus, according to Prof. Hind, a synclinal depression occurs in the crown of the anticlinal at Laurencetown, and in a recent article, probably from his pen, in the *Mining Gazette*, we are informed that shafts are here being sunk on lodes situated on the opposite sides of the synclinal, and dipping towards each other at angles of forty-five degrees.

Mr. Campbell describes the outcrop at Isaac's Harbour "as presenting a succession of narrow parallel folds, in which the quartz lodes are arranged in a saddle like form in the planes of bedding of the arched strata. The course of the lodes is in some cases interrupted by faults or dislocations connected with the transverse undulations already referred to, but these faults are comparatively few and of little importance." I am informed by Mr. R. J. Leckie, that on the west side of Isaac's Harbour, at the Lone Star Mine, a drift has been carried about 150 feet along a quartz lode, lying in the bottom of one of these synclinal folds, the axis dipping gently to the westward, while workings have been carried upwards for some distance on both the north and south sides of this folded sheet of quartz.

The occurrence of the gold of Nova Scotia in interstratified lodes is by no means a singular fact in the history of gold deposits. The gold-bearing quartz lodes of Victoria appear, from the descriptions of Selwyn, to be for the most part true veins, cutting the stratification; but in the gold region of California, although such transverse veins are not unknown, by far the greater number of the auriferous quartz lodes appear as layers conformable to the stratification, often laying between the sandstones and slates which form the common rocks of the country, and sometimes, as in Nova Scotia, divided by thin interposed layers of argillite. These conformable lodes are generally exposed on the upturned edges of eroded anticlinals, but in one case in Nevada County a remarkable lode is mined, which is described as consisting of three distinct floors or bands, "having a very flat dip,



and seeming to form a kind of basin," apparently a synclinal form. For further descriptions of these gold-bearing holes, see Whitney's *Geology of California*, vol. i, chap. 9.

The auriferous rocks of California belong to the Mesozoic period, being of Jurassic age, but those of the Southern Atlantic States, which are probably like those of Nova Scotia near the base of the Paleozoic system, exhibit not less strikingly the same peculiarities of structure as those of Nova Scotia and California. The interstratification of many of the gold lodes of the Southern States has been noticed by more than one observer, but is particularly insisted upon by the late Prof. Emmons in his *Report on the Geology of the Midland Counties of North Carolina*, published in 1856. He there asserts that the gold deposits in the ancient rocks of that region occur in true beds, and that the precious metal was deposited with the sedimentary strata. It is not now, however, confined to these beds, but is met with both accumulated in their joints, and in regular quartz veins with sulphurets, traversing alike the auriferous beds and their accompanying strata, "showing that it has changed its position since it was first deposited." The gold-bearing beds of that region are frequently of soft argillaceous or talcose slate, and at other times slaty and talcose quartzites. These auriferous quartzite beds are sometimes white and granular, becoming vitreous, or passing into a kind of chert or hornstone; all of these varieties of rock are, in different localities, wrought for the gold which they contain disseminated, while beds interstratified with them are destitute of the precious metal. It is in a bed of cherty quartz, resembling burrstone, and mined for gold, that the peculiar silicious concretions supposed by Dr. Emmons to be of organic origin, and named by him *Paleotrochis*, are found. It is interesting to observe that in North Carolina, as in Nova Scotia, the gold is not confined to the vitreous or cherty quartz layers, and that beds of slate may be found profitable sources of gold. With reference to the sedimentary origin of the gold, asserted by Emmons, I conceive that although this metal is often mechanically present in sediments derived from the ruins of older auriferous rocks, the gold of the ancient strata, both of North Carolina and Nova Scotia, was brought to the surface in a state of solution, and that the watery solvent held also alike the elements of the accompanying metallic sulphurets and the silica which now forms the quartz layers.

Returning now to the consideration of the quartz lodes of Nova Scotia, we find that they are sometimes enclosed in quartzite, and sometimes in clay slate. In the greater number of cases, however, they appear to be underlaid by thin beds of argillite, and overlaid by quartzite, the presence of one wall of soft fissile rock being very favorable to mining operations. The thickness of the quartz lodes varies from a few lines to six feet or even more, but this great thickness is seldom continuous, and it may be said that the thickness of the lodes mined is generally from four to fifteen inches. The same lode is subject to considerable variations in thickness in different parts of its course; but in several cases lodes have been traced without much change for a distance of half a mile or more.

Considerable differences may be observed in the character of the quartz in different lodes, of which Prof. Silliman has distinguished two classes; the first consist of crystalline quartz, often quite white, and usually having the gold in coarse visible particles, which, like the associated sulphurets, show a tendency to crystallization. The second class he designates as lodes of slaty structure, the quartz being lamellar or fissile in planes parallel to the bedding, and the faces of the laminæ showing the fluted or grooved structure which is seen on the surfaces of the beds of quartzite and of the more homogeneous lodes. The color of the quartz in these lodes is dark, sometimes bluish or blackish, and its lustre is oily rather than vitreous. The gold in them is usually finely disseminated, and lies in plates near the borders or is invisible. It is difficult to say which of these two kinds of quartz is the more productive, as examples of rich lodes of both varieties may readily be cited. To this description of Prof. Silliman I will add, that lodes showing a passage from the one to the other of these varieties of quartz, are met with, and that coarse gold sometimes occurs in the blue and oily looking quartz, which occasionally approaches to chert or hornstone, and sometimes assumes the aspect of a gray vitreous quartzite. In Tangier, according to Prof. Silliman, the quartz lodes often present a striking similarity to the harder slaty bands, as if they were these in some altered condition.

In addition to gold, the quartz lodes generally contain metallic sulphurets, of which mispickel or arsenical sulphuret of iron is the most abundant, after which may be mentioned cubic and white iron pyrites, a dark colored blende, and more rarely galena and

copper pyrites; native copper and specular iron were also observed by Professor Siliman in the Tangier gold district, and molybdenite and antimony glance are said to have been observed in other localities. Though the metallic sulphurets generally accompany the gold, they are sometimes absent from specimens of quartz very rich in the precious metal. Small portions of calcareous spar and of a ferriferous decomposing spar containing a large proportion of carbonate of iron, and sometimes enclosing gold, are also observed.

As already remarked, however, the metals are not confined to the quartz lodes; gold, both in thin plates and in grains of considerable size, is not unfrequently found in the clay slate, and even in the quartzite. Professor Silliman cites an example where visible gold having been observed in a band of quartzite mixed with slate at Montague, there was obtained from several tons of the rock more than an ounce of gold to the ton, and in many other instances gold in paying quantities is said to have been found in bands of slate. The slate underlying the quartz lodes, contains in many cases, mispickel in crystals or imbedded masses, sometimes many pounds in weight, and generally rich in visible gold. A single mass of gold weighing twenty-two ounces was, according to Professor Silliman, found imbedded in mispickel from the wall of the Belt lode in Montague, and mispickel rich in gold has also been found in Tangier, Oldham and Waverley. In the latter district grains and crystals of the mineral are found imbedded in the quartzite.

The gold of Nova Scotia is remarkable for its great purity, different assays showing a fineness of from 966 to 982 thousandths, so that its value is about twenty dollars the ounce.

With regard to the distribution of gold in the lodes of Nova Scotia, Mr. Michel remarks as follows: "In sinking a shaft upon a lode we must expect to pass through some portions rich, and others poor and even barren. The arrangement of the metal in the lode also offers great variations; sometimes it is disposed in a single layer in the middle, and at other times in several layers parallel to the walls. These layers of disseminated gold are limited in their extent, and it is often only at some distance from their limits that we meet with other similar layers. I observed in very many cases that the visible gold was generally most abundant in the portions of the lode adhering to the slate, which is generally the foot-wall, and often itself highly auriferous."

"If the results obtained during the last few years in Nova Scotia show that the veins are irregular in richness, they demonstrate their continued richness in depth. I saw specimens rich in visible gold, extracted from depths of 105, 156, 180 and 215 feet respectively, in the districts of Mount Uniacke, Renfrew, Wine Harbour, and Sherbrooke, and I am aware that a shaft on the Tudor vein at Waverley yields at the depth of 185 feet quartz affording more than an ounce of gold to the ton. Such veins as these just mentioned, which, with a great regularity of form and position have presented alterations of poor and rich quartz to the depths already cited, will probably be found to offer similar variations to much greater depths. To abandon a working on account of a momentary impoverishment of the lode, as has too often been done in this region, is therefore, unwise; and in a large enterprise, where mining is carried on in several veins at a time, the richness of some of these may always be counted upon to compensate for the temporary poverty of others. I am of the opinion that an unnecessary discouragement has had as much to do with the failure of certain gold-mining enterprises in Nova Scotia as the want of scientific knowledge and the neglect of proper preparations, and that many of those now abandoned as unprofitable, will be again taken up with advantage."

#### ALLUVIAL GOLD.

The absence of any considerable amount of superficial soil from a great portion of the surface of the gold-bearing rocks in Nova Scotia, has already been noticed, and is doubtless due to the force of the denuding agency which has borne away into the Atlantic a great portion of the matter derived from their abrasion. Sable Island, distant about ninety miles from the coast of Nova Scotia, is apparently nothing more than a belt of these detrital matters, rising in some parts to a height of ninety feet above the sea, and according to Mr. Campbell, abounding in gold. The general direction of the denuding force over this region as shown by the grooved and striated rocks, is about fifteen degrees to the east of south. He adds that in nearly all the deposits of glacial drift or boulder-clay on the south coast, more or less gold is met with; but its extraction is rendered diffi-

cult by the great tenacity of the clayey deposit, which is too expensive to work by ordinary means. It is only where the glacial drift has been re-arranged by water that gold can be found sufficiently concentrated to make it worth working. Gold washings have been wrought with considerable returns at Isaac's Harbour, Wine Harbour, Tangier Harbor, Gold River and the Overs,—and Mr. Campbell has called attention to many other localities of auriferous gravel, and especially to a considerable area of this kind in Cape Breton, to be noticed further on.

The existence in Nova Scotia of gold-bearing alluvions older than the boulder-clay is a contingency not to be lost sight of; the presence of considerable quantities of gold at Gay's River in Colchester County, in conglomerate beds at the base of the Carboniferous series, which are nothing more than consolidated alluvions of that period, shows the great antiquity of alluvial gold in this region. In the Province of Quebec the boulder-clay is generally destitute of gold, but in his report of the gold deposits of that province, (*Geological Survey* 1866, pages 61, 65 and 87) Mr. Michel has shown that beneath this sterile clay is an ancient deposit of alluvial gravel abounding in gold, of which the rich washings of the Gilbert River in the Chaudière district are an example.

Analogous conditions are presented by the rich alluvial deposits of Victoria, Bolivia, and California. Mr. Michel, therefore, insists upon the importance of carefully searching in certain parts of Nova Scotia for similar ancient alluvions beneath the boulder-clay or glacial drift. Such deposits, when we consider the abundance of gold in the quartz lodes of the region, may reasonably be expected to be of great richness.

#### ON GOLD WORKING IN NOVA SCOTIA.

The gold mines of Nova Scotia belong to the Crown, and the law of May 10, 1864, extracts from which will be given in an Appendix, regulates all questions as to their concession and working. In accordance with this Act the Governor in Council may, on the discovery of gold in any locality, declare it, by proclamation in *The Royal Gazette*, to be a gold district, and assign limits and bounds to such district, which may afterwards be enlarged or contracted if desirable. Besides those proclaimed districts are numerous others in which gold has been found, but which are not yet proclaimed, and, in many cases are unsurveyed. Of the proclaimed gold districts, the following appear in the monthly returns of the Chief Commissioner of Mines: Stormont, Wine Harbour, Sherbrooke, Tangier, Montague, Waverley, Oldham, Renfrew and Uniacke. The gold obtained from the other localities is classed in the official returns as coming from "Unproclaimed and other districts.

The above mentioned districts, with the exception of Stormont and Tangier, were visited by Mr. Michel and myself, in company, and we also went together to the district of Lawrencetown and the Upper Stewiacke. Repeated visits, for the purpose of more careful study, were afterwards made by Mr. Michel to the districts of Waverley, Renfrew and Uniacke. His opinions, and the results of his personal observations upon the mode of working, etc, will generally be given in his own language, and the portions translated from his manuscript report will appear as quotations. Before proceeding to describe the various gold districts, it will be well to notice briefly the modes of working and treating the mineral generally adopted in Nova Scotia. Under this head Mr. Michel remarks as follows:—

"The appearances furnished at the outcrop of the lode can only give an approximate notion of its attitude and relations to the adjacent rocks, to obtain which subterranean workings are necessary; and when the enterprise is to include several lodes, it becomes indispensable, before working them, to know their structure and the mode in which they are grouped. The successful direction of a quartz mine requires something more than a practical knowledge of the processes required for the extraction and treatment of the mineral; the science and the experience which provides for the future of the mining operations, and for the accidental variations of structure and arrangement sometimes met with in the veins, are not less necessary; and it is to be feared that all of these conditions have not been fulfilled by many of the directors of mining operations of Nova Scotia. I make this remark in no spirit of criticism, and with no intention of a special application of it to individual cases, but only to explain, from my point of view, the reason of the failures of many mining enterprises which have been ascribed to impoverishment or disappearance of the vein, or to various difficulties of working, which would never have sur-

prised, embarrassed or discouraged a skilful and competent mining captain. There are still other causes to which the abandonment of workings, almost at their outset, is to be referred. These have often been opened on rich outcrops, rather with a view to speculation than to regular working; so that we see in many cases, mills built immediately after the discovery of the gold-bearing lodes, and before their value had been tested with the object of attracting attention to the property, and to favor its immediate sale. Thus it happens that not unfrequently we find in this region abandoned workings, and mills neglected or in ruin."

"The mining in this region is, in some cases, by open workings, but more generally by means of shafts, and of drift or galleries communicating with them. These shafts serve at the same time for the miners, for the raising of the mineral, and for the drainage and ventilation of the mine, except in those cases where a separate ventilating shaft becomes absolutely necessary. The shafts, rectangular in form, are vertical or inclined according to the dip of the lode, of which they include the whole thickness; and their timbering, which varies according to the greater or less solidity of the walls, is done as the sinking advances. When a certain depth has been attained, galleries or drifts for the extraction of the mineral, are opened to the east and west, along the direction of the lode. The working is thus carried on by successive stages, the sinking of the shaft being continued, so that its base is always lower than the lowest drift. In the removal of the contents of the lode, which is done by successive steps, or what is called *stopping*, two methods are adopted. In the one, called overhand stopping, the vein is taken down by working from below upwards; while the other, called underhand stopping, the mineral is extracted by excavations from above downwards. In the latter method, the whole of the material removed is taken up to the surface, while in the former, the waste and refuse, maintained in place by scaffolding, serves to fill up the space, sustain the walls, and facilitate the continuation of the work. This method of overhand stopping, however, has the disadvantage that the sorting of the mineral has to be made in the drifts, with the risk of losing more or less of the small fragments, often very rich, which become lost in the piles of rubbish. To avoid the loss in overhand stopping, it is in some places customary to spread cloths or leather over the debris. When however the vein is removed by underhand stopping, the whole material is raised to the surface, and it is easy to collect the smallest particles of mineral. Hence this latter method is almost universally followed in the Nova Scotia gold mines, and has replaced the method of overhand stopping, which had been in some cases resorted to for a time."

"The machinery for raising the mineral from the shafts is very simple: a windlass over the mouth of the shaft, worked by one or two men, suffices for works of little depth, while for greater ones, a whim with one or more horses is employed. These arrangements suffice not only for bringing up the mineral, but for raising and lowering the miners when there are no ladders in the shaft, and also for the removing of water in buckets, in the case where this is not allowed to accumulate in a well, to be removed by a pump worked by steam or horse power."

"In the gold-bearing quartz mines of Spanish America, it is customary, before stamping the mineral, to calcine it in heaps, where it is arranged in alternate layers with wood, which being kindled, burns from twelve to twenty-four hours. The object of this calcination is to get rid of the sulphurets often present, which interfere with the amalgamation, and to render the quartz more friable and easily pulverized. This process, however, is said to have been abandoned in California, and is not used in Nova Scotia, although in several places furnaces constructed for calcination are seen. The reasons assigned for this are, by some, that the quartz is partly vitrified, which might happen with impure vein-stone; while according to others, the gain in product did not suffice to pay the cost of the process, which is but partially effectual in decomposing the sulphurets present in the ore. Prof. Sullivan, in his report on the Tangier district, estimates the cost of calcining the quartz, with wood at \$4 the cord, to be not less than \$1 the ton."

"The mineral in Nova Scotia is thus taken from the mine directly to the mill where it is sorted, the barren portions rejected, and the material reduced to fragments of a proper size. Two plans have there been employed for pulverizing the quartz; the Chilian mill and the stamp mill. The former consists of edge wheels or cylinders of granite or cast iron, running in iron pans, but its use in Nova Scotia has been very limited,

and is now almost entirely abandoned. Although well suited for assays, and for the treatment of rich ores and residues, the Chilian mill is not adapted to the working of large amounts of quartz containing only a moderate proportion of gold. For this purpose stamps are more generally had recourse to."

"There are two systems of stamps in use in Nova Scotia—those with square heads and those with round and rotating heads—but in both cases the stamp mill consists of one or more batteries, each consisting of a series of vertical rods, carrying at their lower ends the stamp heads, which are of cast iron, or, in some cases, shod with steel, and destined to pulverise the mineral in a rectangular box or mortar. This box is generally of a single piece of cast iron, and when of wood (which is preferable if, as is here the case, mercury is used in the batteries), requires for its bottom a heavy plate of iron. These stamps are raised by means of a horizontal shaft furnished with cams, which act upon collars fixed to the rods, causing these to rise vertically, and then, the cams ceasing to act, to fall by their own weight from a height of ten or twelve inches upon the mineral, which is introduced to the box by means of an opening placed behind the battery. Plates or dies of cast iron or of steel, round or square, according to the shape of the stamp heads, are fixed in the battery beneath each stamp. During the operation a quantity of water sufficient to aid the pulverization and amalgamation, and to carry out the pulverized mineral, is supplied to each stamp, by means of tubes furnished with stop-cocks. In front of each battery is a rectangular opening which is closed by means of a frame or moveable sash, covered with a fine screen or grating. Through this grating, the liquid mud formed by the pulverization of the mineral under water, and projected from the boxes by the blows of the stamps, passes out and flows over a series of fixed or oscillating tables, slightly inclined, and placed the one below the other, at different levels, before being conveyed as waste or refuse to a place of deposit without. The metallic gratings in front of the batteries have generally from 160 to 200 holes to the square inch. The finer the grating the less the amount of material stamped in a given time, but the more complete the treatment. I am inclined to believe that many of the mill workers, not taking into account the smallness of the particles of gold, often invisible, do not pulverize to a sufficient degree of fineness. One of the exceptions to this, however, is found in the battery of the Provincial Company at Wine Harbour, which yields a material of great fineness, while it reduced with eight stamps only, six tons in twenty-four hours."

"The frames which support the gratings are generally fixed vertically; although a slight inclination outwards, to favor the escape of the projected matters, is to be preferred. The stamp mills which I saw in the various districts of Nova Scotia have generally eight stamps, arranged in two batteries of four stamps each. In the Sherbrooke district the mill of the Hayden and Derby Company consists of one single battery and two united, each of five stamps, and that of the Palmerston Company of one of four, and two each of three. In the Waverley district the mill of Mr. Bürkner has twenty-four stamps and that of the Dewolf Company sixteen, arranged in four batteries of four each. The duration of a stamp mill, and the regularity of its work, depends in part, upon the solidity of its base; and I may remark, in passing, that the last mentioned mill, erected under the supervision of Dr. Krakowitzer, is peculiarly well constructed in this as in other respects, and has a foundation built of granite, from which it results that the trembling motion so apparent in many stamp mills, is scarcely perceptible in this."

"The stamp mill of the Ophir Company, in the Renfrew district, recently constructed by Mr. Peter Monteith, is particularly worthy of mention. The stamps, which are round, rotating, and shod with steel, present many advantages over square non-rotating cast iron stamps. It is maintained that the effect of a round stamp, which preserves in falling the rotatory motion communicated to it during its upward movement, is much greater than that of a square stamp falling without that motion. Experience has shown that with the former a greater amount of rock is pulverized in a given time, and with less wearing of the stamp heads. The mill of the Ophir Co. has twenty-four stamps, arranged in six batteries of four, placed side by side. The weight of each stamp, with the rod, is six hundred pounds, the fall ten inches, and the number of blows from sixty-five to seventy in a minute. The liquid mud from the pulverization, passing from the battery through the grating, flows over four fixed tables, placed one below the other. The first, or uppermost table is the shortest, and is trapezoidal in form; the dimensions of the two parallel sides

being three and a half and two and a half feet. The three succeeding tables are rectangular, and have respectively the lengths of seven, eight and six feet; their breadths being twenty-four, fourteen and twelve inches. In many stamps there are used besides fixed tables, others having an oscillating movement, which is in some cases lateral, in others backwards and forwards. Thus each battery of the De Wolf Company at Waverley has the first table fixed, while the three others below it are shaking tables, with a lateral movement."

"Steam power is employed for the greater number of the stamp mills of Nova Scotia. These of eight stamps I found to be worked by engines nominally of eight, twelve and twenty horse-power, and reducing from six to twelve tons of quartz in twenty-four hours. The mill of the New Haven and Renfrew Company has an engine of thirty, and that of the De Wolf Company one of fifty horse-power, the most powerful in the mining region, and capable of being employed not only to move the stamp mill, but to raise the mineral and the water from the neighboring shafts."

"The two largest mills of Nova Scotia,—that of Mr. Burkner at Waverley, and that of the Ophir Company at Renfrew, are moved by water power. The first, which has during a long time, treated thirty-six tons of mineral in twenty-four hours, has probably done more work, and certainly furnished a greater amount of gold than any other in Nova Scotia. The water-wheel of the Ophir mill has a diameter of sixteen feet and a breadth of eight feet, divided into two series of buckets. The force of the fall is estimated to equal fifty horse-power. This mill with twenty-four stamps, reduces from twenty-four to twenty-eight tons of quartz in twenty-four hours, works with great regularity, and is conducted with great skill by Mr. H. M. Huff. Besides the water power, this mill is furnished with a portable steam engine of seven horse-power, which heats the water for the batteries, turns a circular saw for cutting wood, and could be made, in case of need, to work two of the batteries."

"The amalgamation of the gold in the batteries during pulverization, is adopted in most of the mills of Nova Scotia. This requires the introduction into the boxes at regular intervals, of small quantities of mercury,—the amount depending on the richness of the mineral. At the Ophir Mine, there is added at the beginning of the operation and subsequently, every four hours, a spoonful of mercury. After several days working, however, if the mineral is not very rich, the quantity of mercury is diminished; but if the contrary is the case, the additions are made more frequently. In this connection, I cite some valuable details from the work of Mr. Arthur Philips on *The Mining and Metallurgy of Gold and Silver*, recently published in London. I may, however, remark that with the exception of two not very satisfactory trials made at Wine Harbour and at Lawrencetown, the use of amalgamated plates within the boxes, has not been tried in Nova Scotia."

[When the method of amalgamation in the battery is adopted, the batteries are often provided with amalgamated copper plates about five inches in width, extending the whole length of the box; one on the feed side, and the other at the discharge,—the former being protected by the sheet-iron lining of the feed-hopper, and each having an inclination of from forty to forty-five degrees towards the stamps. When these plates are not employed, spaces for the accumulation of the amalgam are allowed between the dies and the sides of the box, and vertical iron bars are placed within the grating, between which the hard amalgam is found to collect. \* \* \* \* One ounce of gold requires for its collection about an ounce of mercury; but when the gold is in a finely divided state, the addition of another quarter of an ounce is thought to be advantageous. The proper proportion is however, readily ascertained by watching the discharge. If any particles of amalgam, which may pass through, are hard and dry, a little more mercury must be introduced, but if, on the contrary, they be soft and pasty, or if globules of mercury make their appearance, the supply to the battery must be diminished. When the proportion of mercury has been properly adjusted, the amalgamation of the gold is completely effected, except in cases in which the ores contain large quantities of lead or antimony, and have been previously burned for the purpose of expelling their more volatile constituents, by which treatment, the particles of gold often become coated in such a way as so interfere with their combination with mercury. When the proper proportion of quicksilver has been regularly introduced, and the rock contains coarse gold, from sixty to eighty per cent. of the gold saved is caught in the battery;—but

when, as in the case of some of the ores of Nevada, the gold is in a very finely divided state, and is associated with ores of silver and other sulphides, the results obtained are less satisfactory. The amalgam resulting from the treatment of such ores contains silver, and, in some cases, affords from 300 to 400 thousandths only of gold, often producing a spongy amaigam of dark colour, made up of aggregation of numerous finely divided particles. \* \* \* \* This amaigam is exceedingly light, and is therefore difficult to collect, either by riffles, copper plates, blankets, or any of the other appliances commonly employed for the purpose. When, therefore ores contain much lead, or antimony, amalgamation in the battery is not to be recommended, since this spongy amaigam is more difficult to retain than the most finely divided gold, and a larger proportion of it floats off over the blankets, riffles, or copper plates which may be arranged for the purpose of arresting it. There is, besides, no evidence that battery amalgamation possesses, under any circumstances, a decided advantage, for gold ores not associated with sulphide of silver, over stamping without the use of mercury; and in some of the most productive districts it is seldom resorted to.] (See Philips, pages 177, 179.)

“The inclined tables, whether fixed or oscillating, which receive the pulverized mineral from the batteries, are lined throughout with plates of copper, which are amalgamated or covered with a film of mercury. At the head of the oscillating tables, at the De Wolf mill, are placed small concave transverse reservoirs, partially filled with mercury, with which the matters transported by the water are brought in contact, by means of convex cross-pieces fitting into the mercurial reservoirs. In other cases, the tables are furnished with a series of small transverse grooves or riffles, also holding mercury, and serving to arrest the particles of gold in their passage. The slope of these, according to Philips, varies from three and a half to seven degrees. We have already seen, that from sixty to eighty per cent. of all the gold obtained, remains, under favorable circumstances, in the battery; of that which escapes from the liquid mud, the greater part collects on the first table or at the head of the second.”

“When the working of a mine is properly conducted, and the supply of mineral is regular, the stamp mill should work day and night, except when stopped for repairs or for cleaning up, as the process of removing the amalgam from the boxes and tables is called. The frequency of this operation depends upon the richness of the mineral; but in many mills it takes place every week for the tables, and fortnightly for the battery. At the Ophir Mine, while the batteries are cleaned but once in two weeks, the amalgam from the tables is collected once in three or four days, and even daily, when the mineral is very rich in gold. This process, as I saw it at the mill of the Uniacke Company, is effected by a stream of water from a hose, which removes the sands from the tables and allows the amalgam to be gathered up from the plates. For the batteries, the stamps being raised, and the grating removed, a jet of water is employed to break up the compacted mass of partially stamped mineral, which fills the box; the larger fragments being removed by hand, until the amalgam accumulates at the bottom. The dies are then cleaned and taken up, and the washed amalgam gathered into a mass, and added to that already obtained from the tables. The excess of mercury is then removed from this by pressing it in chamois leather, or in a closely woven wet cloth; after which the amalgam is divided into balls of a proper size and heated in a cast iron retort, which is previously lined with a paste of clay and water, to prevent the adhesion of the gold. The portion of mercury which still remains with the gold being expelled by heat, its vapors are carried over and condensed in water, and at the end of the operation the gold remains in the retort in the form of spongy masses, which, are melted in a crucible, and cast into ingots.”

The pulverized mineral, from which the gold has been extracted by the process] just described, is known by the name of waste or *tailings*, and still contains a portion of gold, which is often considerable in amount. This gold is, in part, in small particles adherent to, or imbedded in the grains of quartz; but, in part, also inclosed in the metallic sulphurets generally present, which, as already mentioned, are often rich in gold. Regular and careful assays of the tailings from the Nova Scotia mines are as yet wanting; but, according to Professor Silliman, in the case of quartz from the Belt lode of Montague, treated in a mill at Waverley, the tailings contained, on an average, 16 pennyweights of gold to the ton. Assays of the waste from the barrel quartz of Waverley, treated in a

stamp mill at that place gave him nearly 15 dwt. of gold to the ton, while not over 8 dwt. had been previously extracted, thus showing a loss of nearly two-thirds of the gold present. At the Port Philip and Colonial Company's mines in Victoria, Australia, where careful assays of the tailings are regularly made, they are found, while the mean product of the quartz is about 9 dwt. to contain on an average 2 dwt. of gold. Of this, however, a considerable proportion is recovered; the tailings are concentrated in buddles, by which the sulphurets, carrying the greater part of the gold, are separated from the lighter quartz. These concentrated tailings, which contain, according to assays, from three to four ounces of gold to the ton, are roasted, and then ground with mercury in a Chilian mill, by which means eighty-five per cent. of the gold present is extracted. The whole cost of this process in Australia, including washing, roasting, and amalgamation, amounts to about \$13.00 the ton.

That a large amount of the gold from some of the Nova Scotia mines is enclosed in the sulphurets, and thus to a greater or less degree escapes the action of the mercury, would appear from the essays of the mispickel or arsenial pyrites. A sample of several pounds weight of this, from Montague, yielded to Prof. Silliman \$276 of gold to the ton, of which about two-thirds only were coarse gold. The pyrites extracted by washing from the tailings of two lodes at Tangier gave respectively \$95 and \$125, and that from another vein in the same region not less than \$180 to the ton of two thousand pounds. (See Prof. Silliman's Report on the Tangier District.)

Notwithstanding these results, the tailings are generally entirely neglected in the Nova Scotia mines, and with them, no doubt, large quantities of gold are lost, which might be advantageously extracted by concentration and roasting, followed by amalgamation either in the Chilian mill, the Wheeler or Hepburn pan, or, perhaps, better still, by the use of Plattner's process, in which the gold is dissolved out from the roasted ore by the use of chlorine. Prof. Silliman has suggested that the arsenic may be profitably extracted from the mispickel by roasting in properly constructed furnaces. By this means it might be made to yield half its weight of white arsenic, which has a considerable commercial value, and would probably pay the expense of roasting the ore. By thus condensing the arsenic, the injurious effects which would otherwise result from the escape of the poisonous arsenical vapors into the air, during roasting, would be prevented.

The system of amalgamation in the batteries, generally adopted in Nova Scotia, is in many regions replaced by other methods, in which the whole or a large part of the gold is extracted from the pulverized quartz by washing. In the plan generally adopted, and for a long time practiced in South America, the rock is crushed beneath stamps, with the addition of water, but without mercury, and the material escaping from the batteries is made to flow over inclined tables covered, with coarse woollen blankets, or with bullock skins dressed with the hair on. The skins or cloths are removed from time to time, and the heavy material, rich in gold, is removed from them by beating and washing in vats arranged for its collection. At the Morro Velho mine, in Brazil, according to Phillips, 67 per cent. of the gold in the quartz is at once extracted by this process. Of the remainder a portion is lost in the slimes, but the greater part is obtained by grinding the concentrated tailings in arrastres, and washing again as before. From the rich material which collects on the cloths or skins the gold is extracted by amalgamation.

In other parts of South America the grinding of the tailings in the arrastre is performed with the addition of mercury, and the residual gold is thus amalgamated. The arrastre is a rude tub or basin of stone, having an upright shaft moved by horse-power, and carrying four arms. To these are attached, by chains, large blocks of hard stone, beneath which, as they revolve, the material placed in the basin with water is slowly ground to powder. The various iron amalgamating pans now in use are perfected forms of the arrastre, and some of them, as the Hepburn & Peterson pan, are said to be so constructed as to be very efficient grinders.

In the Grass Valley region, in California, the system of mechanical washing is also adopted, and for this purpose the sand and water issuing from the batteries are made to flow over a succession of tables, inclined at an angle of three or four degrees, and covered with a coarse gray cloth woven for the purpose. In this way about nine-tenths of the gold obtained from the rock are extracted. The waste is then passed over tables with amalgamated copper riffles, by which a farther portion of gold is retained, and finally washed in buddles to collect the auriferous pyrites present. The arrangement just described is



regarded by Phillips and by Silliman as the one most advantageous for the treatment of auriferous quartz. For plans and details of the method, as well as for descriptions of the various pans, and much valuable information on gold mining, the reader is referred to the excellent work of Phillips already cited.

It would appear from the Report of the Secretary of Mines for Victoria, for the year 1867, that a similar system is much used in that region where there were in operation, at the end of 1867, 5,529 stamp-heads, with 1,283 *rifle board tables* and 1,076 *blanket tables*.\*

The fine pulverization of the gold-bearing quartz is a condition of the first importance for the extraction of gold, and several attempts have been made to introduce more economical and more efficient means of pulverizing than are afforded by the ordinary stamp batteries. Of a system lately brought into use, Mr. Michel speaks as follows:—

“I had occasion, shortly before my visit to Nova Scotia, to see in operation at the Harvey Hill mine, in the Province of Quebec, a new system of machinery, which promises to revolutionize the mechanical treatment of auriferous minerals. I speak of the mills of Messrs. Whelpley and Storer, of Boston, which consist of a crusher and a pulverizer, whose construction I shall not attempt to describe, but shall only mention the results which I saw. The apparatus at Harvey Hill was arranged for pulverizing the tender copper-bearing slates of that locality; but three trials were made in my presence with auriferous quartz from the Chaudière district, each trial upon one-third of a ton. Eighteen minutes were required to reduce one ton of quartz to a coarse powder fit for the pulverizer; and the latter machine in forty-two minutes reduced the ton of quartz to a powder as fine as that of most of the stamp mills in Nova Scotia. The quartzose copper slates of Leeds were pulverized much more rapidly, and reduced to an impalpable powder; and I am persuaded of the truth of what I was told by the mechanic in charge of the mills, that a similar result would have been obtained with the quartz, had the pulverizer been adjusted for the purpose.”

It is proper in this connection to mention the use of sodium-amalgam in the extraction of gold. It often happens that a portion of the gold in the quartz, from the presence of an enveloping film, or from some other reason not well understood, is not readily moistened by the mercury, and consequently escapes amalgamation and is lost. The addition to the mercury of a minute proportion of sodium in the form of sodium-amalgam, however, causes the instantaneous amalgamation of the gold, whether in the batteries or in the subsequent treatment of the concentrated material in pans or otherwise. The published results of numerous experiments made with mercury containing a little sodium-amalgam, both in America and in England, show that the loss of gold is much less than with pure mercury, besides which the loss of a portion of mercury itself by what is called flowering, and which is considerable with some ores, is entirely prevented, so that there appears to be a great economy in its use. But Mr. Michel and myself have been able to test the advantages of sodium in numerous mechanical assays of gold-bearing quartz.

The use of sodium-amalgam for the extraction of gold, was first made known and patented by Prof. Henry Wurtz, of New York, and it has also been introduced into England by Mr. William Crookes, F.R.S., who for some purposes adds to the amalgam minute portions of zinc and tin. The use of sodium-amalgam has been adopted to some extent in Nova Scotia, but has probably not yet received the thorough trial which it merits. It appears, from the *Guide* of Mr. Heatherington, that it is adopted in the mills of the Wellington Co., of Sherbrooke, and the Montreal Co., of Mount Uniacke.

\* The following additional statistics from the report just cited are not without interest:—It appears that there were employed in the colony of Victoria, during the last quarter of the year 1867, 13,970 quartz miners, while 800 square miles of auriferous ground, embracing 2,381 auriferous veins, were actually worked, and the value of the mining plant was £2,079,195. In the year 1866, the amount of gold extracted from quartz was 521,000 ounces, in addition to not less than 958,000 ounces of alluvial gold. The returns from the crushing of 861,468 tons of quartz were at the rate of 10 dwt. 16 gr. of gold to the ton, the number of quartz miners 14,878, and the average yield of gold for each, for the year, was £117 5s 7½d. Since the publication of mining statistics in Victoria there had been crushed, up to the end of 1866, nearly 4,000,000 tons of quartz, with an average yield of 11 dwt. 23 gr. of gold to the ton.

## NOTES ON THE DIFFERENT GOLD DISTRICTS OF NOVA SCOTIA.

In the following pages are brought together the principal facts of economic interest known with regard to the prominent gold districts of Nova Scotia, beginning with those nearest to Halifax. In addition to the personal observations of Mr. Michel and myself, I have embodied much information from the reports of Messrs. Campbell and Silliman, already referred to and cited, and am moreover indebted for many important facts to the annual reports of the Chief Commissioners of Mines, and of the Inspector of Mines, Mr. John Rutherford. Many other statements are also given from recent numbers of the *Mining Gazette*, and occasionally from other sources considered reliable.

## LAWRENCETOWN.

The gold district of Lawrencetown, as described by Mr. J. Campbell, lies in a deep valley extending northward from the head of Lawrencetown Harbor, about six miles inland from the sea shore, and twelve miles to the eastward of Halifax Harbor. The rocks are grey quartzites interstratified with bands of soft bluish shale, and the principal quartz lodes follow the dip and strike of the strata; but these are occasionally intersected by cross veins of quartz, some of them of considerable thickness. It would appear that considerable quantities of gold were obtained from this district in the earlier days of its working, when the land was divided into small lots of twenty by fifty feet. The surface of the soil was then, in many parts, covered with rich boulders of quartz detached from the veins adjacent, which were also readily mined, and often yielded rich products, even to the unskilled miner. Great numbers of small pits and excavations dating from that period, are seen scattered over the surface, and are now sources of embarrassment to the systematic miner. It is certain that only a part of the gold extracted from all these workings could have been reported to the Commissioner of Mines; for the whole declared product of the district for the years 1861, 1862, and 1863 was only 240 ounces, and none whatever is reported for the four succeeding years, up to the present date. The want of success of an English Company who constructed a mill, and commenced mining operations, here, brought the district into disrepute; but within the last few months, it has begun to attract the attention of explorers, as well as of capitalists.

In his report dated January, 1868, the Chief Commissioner of Mines remarks that "the discoveries of gold-bearing lead, during the year, have been considerable, shewing a large surface for mining operations, and there is no doubt, from present appearances, that Lawrencetown will in the future be a leading district."

At the time of our visit, in November last, mining operation were in progress on two properties, that of Mr. John Werner, and that of Messrs. Capel, Townsend and Company; the first embracing 300 and the second 200 lots. These lots or mining areas, as defined by the present mining law of Nova Scotia, have a length of 250 feet along the course of the lodes, and a breadth of 150 feet, thus having a superficies of 37,500 square feet, equal to eighty-six hundredths, or in round numbers nearly seven-eighths of an acre. Owing to the rainy season, the pits on the Werner property were filled with water, except one of forty feet deep, which was examined. The vein was from nine to twelve inches wide, of bluish quartz, and showing grains of gold and of blende, with considerable mispickel. A mill of eight stamps, to be moved by water-power, was in progress of erection, and according to a statement in the *Mining Gazette* for March, was in operation and yielding an ounce of gold to the ton of quartz.

The Capel-Townsend property embraces several groups of gold-bearing veins; that which we were able to examine, known as the Waddilow group, includes thirteen, of which five are visible in a breadth of about fifty feet, all running eastward, with a southward dip, and varying from four to nine inches in thickness. We examined two of these veins, which had been opened by shafts of thirty feet, communicating by a gallery. Windlasses worked by hand were employed for the service of the mine. The quartz, enclosed in slaty walls, was somewhat ferruginous, and contained, besides visible gold, copper pyrites, blende, and a little galena. Some specimens rich in gold were shown us, as having been recently taken from these shafts, the quartz of which was said to have yielded 23 dwt. of gold to the ton. According to a recent number of the *Mining Gazette* the quartz from a vein of four feet is

yielding 11 dwt. The position of this property appears to offer facilities for working by means of an adit, which would serve both for the extraction of the mineral, and for drainage, and would have its opening near the mill which it was proposed to construct on the site of the old one of the English Company already mentioned, where there is a water-power, sufficient, it is estimated, for forty stamps. This new mill, after some unsuccessful experiments, with imperfect machinery, is now said to be in operation. The wages of the miners in the Lawrencetown district, and in the gold fields of Nova Scotia generally, are about \$1.25 per day. Recent discoveries of gold in this vicinity have led the Chief Commissioner of Mines to enlarge this district to nine times its original size. Some interesting details as to its geological structure have already been given on page 9.

#### MONTAGUE.

The Montague gold district, which is situated between the lakes known by the names of Charles, Loon and Major, is about seven miles to the east of Halifax, and not far from Lawrencetown. The mines here at present, are in the hands of two companies, known as the Albion and the Union. During the four years ending with 1866, this district yielded more than 3,000 ounces of gold; but the works of the Albion having been abandoned during the past year, and those of the Union Company much reduced in extent, the declared product for the nine months ending with September, 1867, was only 417 ounces of gold; of which a large part was from the treatment of the old tailings from former workings, which were desulphurized and re-stamped, together with a certain amount of quartzose slate holding gold. The principal vein, known as the Montague or Belt lode, has been traced for a distance of half a mile east and west, and dips to the southward at a high angle. It is enclosed in two bands of slate, which separate it from the surrounding quartzite. A thin layer of the same material also divides the lode in two parts. The mean thickness of the lode proper, is about four inches; but in some parts it expands to ten, and even twenty inches. It has been wrought by the Union Company for a distance of about 500 feet, by means of long open cuttings, and by five shafts, one of which is 115 feet deep, but at the time of our visit in November last we found the mine temporarily abandoned on account of the great amount of water in the workings, which, being in part open cuttings, serve to collect the rains. This system, too often followed hitherto in Nova Scotia, cannot be too strongly reprobated. Very little difficulty will, in most cases, be experienced in the drainage of the mines in this region, if care be taken to keep out the surface waters. The quartz of this lode is highly crystalline, and besides gold, show iron and copper pyrites, blende, and mispickel. These sulphurets, according to Professor Silliman, are most abundant near the band of soft underlying slates which also contains scales of visible gold, and imbedded masses of mispickel of all sizes, up to fifty pounds weight. This latter ore, as already described (page 17) is rich in gold, which occurs throughout it in plates and strings, and in one instance, formed, it is said, a mass of twenty-two ounces of solid gold. Several other gold-bearing veins are known here, one of which, of four or five inches, divided by thin layers of slate, also yields rich specimens of gold; and we examined a considerable quantity of rock extracted from a third and thinner vein, in which gold was visible in a decomposing ferruginous spar, which was associated with the quartz of the lode.

The mill of the Union Company, having two batteries of four stamps each, is erected about three hundred paces to the south of the principal vein, and has a steam engine of fifteen horse-power. It reduces in twenty-four hours, ten tons of hard quartz, or twenty tons of a soft slate traversed by little threads of quartz, which was being treated at the time of my visit, and yielded about 5 dwt. of gold to the ton.

The pyritous character of the mineral at Montague is such that special means are needed to separate, by concentration and subsequent treatment of the tailings, a large portion of the gold which escapes the ordinary process of amalgamation, so that it is probable that nearly one-half the gold in the mineral here obtained has been hitherto lost. As already stated, the assays given by Prof. Silliman showed, in the tailings from the Montague lode, more than 16 dwt. of gold to the ton. Attempts were made last year, on a small scale, to treat a second time these tailings, and with very profitable results. The mining operations here exhibit the want of a right system, which would secure the exclusion of surface water, a constant supply of mineral, and an economical working of the mine. We are in-

formed that since our visit exertions have been made to improve this condition of things in the Montague district, and that a steam engine has been erected on the property of the Union Company, which will serve both for raising the mineral and for draining the mine.

There seems to be no good reason for the present neglected condition of this district, which, as we have seen, yielded in four years, not less than 3000 ounces of gold; the average produce of the mineral, in 1865, was, according to the Government returns, over \$29 to the ton, and \$513.35 for each miner.

#### WAVERLEY.

As described by Mr. Campbell, the Waverley district is upon a broad waved anticlinal, with nearly east and west strike. The quartz lodes which are interstratified in the quartzites of the gold-bearing series, occupy a position a little over half a mile in vertical depth below the base of the clay slate division, and have, according to the same observer, a westward dip on the crown of the arch, of about one foot in ten caused by a transverse or north and south anticlinal, which lies some distance to the eastward. Mr. Campbell, in this connection, calls attention to the frequent occurrence of dislocations or faults in the neighbourhood of these north and south lines of disturbance, producing local variations in the angle of inclination of flutings of the beds in different sections of the field, and occasional displacement of the lodes. These north and south lines of dislocation are often marked by cross veins of quartz, generally holding little or no gold, and often shifting the east and west veins in such a manner as to show that they were formed in transverse fissures, after the gold-bearing lodes were solidified.

The Waverley district is situated about twelve miles from Halifax, near the Windsor Junction on the Nova Scotia Railway. It appears, from the official returns, that of 97,600 ounces of gold produced in the province from 1861 to the end of September, 1866, not less than 34,395 ounces, or more than one-third came from the mines of Waverley; the average yield during that time having been 17 dwt. 12 gr. to the ton of quartz. In the succeeding year, ending with September, 1867, there were treated in the Waverley district 11,289 tons of quartz, yielding 4,135 ounces of gold, being an average of 7 dwt. 7 gr. to the ton. The number of workmen employed during the year ending as above, was on an average, one hundred and eighty-one, and the return for each, \$422,—the ounce of gold being estimated at \$18.50. There has thus been a marked falling off in the produce of Waverley since 1866, a fact which is the more surprising, as the veins of this district are developed over a considerable length and depth, and have shown throughout a great persistence in the distribution of the precious metal. In his report of December 1, 1866, Mr. Rutherford, the Inspector of Mines, mentions the following lodes (all dipping southwards) as having been wrought in the Waverley district, during the preceding year: The Tudor and Brodie veins, having a thickness of from eight to eighteen inches, the first of these worked by Mr. Bürkner, by the Lake Major Co. and the DeWolf Co., and the second by the latter company only; the South vein, of fifteen inches, by the Hartford Co.; the Taylor and No. 6 veins, of fourteen inches, mined—the one by the DeWolf Co., the other by the Boston and Nova Scotia and the Waverley Cos. Since that time many of the companies then existing, and among others the Lake Major and Rockland Cos. have sold their interests to the DeWolf Co. This company now possesses, in the Waverley district, one hundred and thirty-one mining areas, a Chilian mill and two stamp mills,—one with eight stamps, and the other, an excellent mill, noticed on page 14, having sixteen stamps. Forty-seven shafts and numerous drifts, both for extraction and drainage, are already opened on the veins belonging to the Company. The depths of these shafts vary from 100 to 250 feet, and upon the Tudor vein is one of 300 feet, in which is a pump worked by steam power. When we visited this district, the large mill just mentioned was chiefly supplied with mineral from the North or Brodie vein; but the working was on a limited scale. It is to be hoped that renewed activity will be given to this exploitation, which, is already on so large a scale, and furnished with such excellent appliances. According to the information then received, the actual cost of extracting the mineral varied from \$5 to \$4 the ton, and that of stamping and amalgamation was \$1, or, by another estimate, \$1.50.

The property of Mr. Leopold Bürkner, including two hundred areas, of which only ten are as yet explored, extends to the westward of the last, on the continuation of the

Tudor and Brodie veins. Of nine shafts which have been sunk on the first of these veins, connected by a gallery of about 400 feet long, and have attained depths of from 100 to 250 feet, five have yielded mineral of great richness to considerable depths. That extracted from shaft No. 2, at a depth of 180 feet, gave over an ounce of gold to the ton. The quartz from all of these openings is extracted by underhand stoping; the plan of overhand stoping, at first adopted, having been quickly relinquished on account of the hardness of the rock. When we visited the property of Mr. Bürkner, all of the shafts on the Tudor vein were for the time abandoned, and of five on the Brodie vein, two only were being wrought, one at a depth of eighty, and one at thirty feet, which furnished eighty tons a month of quartz yielding 10 dwt. of gold per ton; the whole cost of extraction and amalgamation not exceeding \$5,25, the working of these two shafts thus gave a monthly profit of \$400. Mr. Bürkner had also, at that time several trial pits on the South vein, about a quarter of a mile south of the Tudor vein, which had already given satisfactory results. This vein is observed, in its western prolongation, to turn towards the northwest, assuming a southwest dip, and will probably be found to join one of the veins on the north side of the anticlinal axis. Numerous other lodes have been observed in the Waverley district, some of them within, and others without the limits of the properties already mentioned, but they have not as yet, for the most part, assumed any special importance. The barrel quartz of Laidlaw's Hill, in the eastern part of the district, is, however, to be excepted. This has already been noticed, and its structure explained on page 7. It is apparently a quartz lode exposed on the crown of an anticlinal which runs a few degrees to the north of east. The corrugations generally present the form of wave-like undulations, rarely that of tight folds, and in one exposure, a little to the westward, the same, or another quartz lode, appeared as a nearly horizontal sheet. A shaft sunk about forty feet south of a point where the barrel quartz was found at a depth of twenty feet, failed to meet it at sixty feet, showing apparently a rapid southern dip of the lode on that side. A similar corrugated structure, to some extent, was observed in another lode farther west, which dipped about forty-five degrees to the southward. The barrel quartz is somewhat banded in its structure, and holds calcite in parts, apparently a subsequent deposit, filling fissures in the quartz. A similar case was observed in the highly laminated lode of barrel quartz from Upper Stewiacke, where both calcite and pyrites have evidently been deposited in irregular cross fissures in the lode. (See pages 8 and 9.)

In 1862 and 1863, this deposit was extensively mined, and offered great advantages from the facility and cheapness with which the quartz was extracted. Thus it appears, from the report of the Chief Commissioner of Mines for 1863, that during the last three months of 1862, the average product of each miner on the barrel quartz was nine tons a month, while in other localities it did not exceed two or three tons. Some portions of this quartz have been exceptionally rich. Thus a mass of about two cubic feet was extracted in 1862, from which gold to the value of \$4,500 was obtained, while the adjacent portions of quartz, for a considerable distance, proved to be quite barren. The average yield of the barrel quartz, in 1863, was said to be not over 5 dwt. to the ton. The great loss of gold observed by Prof. Silliman, in the treatment of this quartz, has already been noticed on page 16. After having been abandoned over three years, the mining of the barrel quartz was resumed in 1866, by Mr. DeWolf. The previous workings had been by stripping off the overlying rock and quarrying the bed of quartz in the open air; but it is now extracted by means of narrow subterranean cuttings, the openings, after the removal of the auriferous quartz, being filled up with the waste rock. The ordinary thickness of the barrel quartz is from eight to twelve inches; but it is subject to considerable variations. Its ordinary yield in gold is said to be at present from 6 dwt. to 10 dwt. per ton; though rich specimens are occasionally met with. Mr. Bürkner, who has two areas of the barrel quartz, employed upon it, at the time of my visit, twelve miners, who got out 100 tons a month. The total cost of the extraction and treatment was \$1.50 the ton, which gave an average of 7 dwt., giving thus a clear monthly gain of \$250.

We have already spoken of the stamp mill of Mr. Bürkner (page 15). It has twenty four stamps, weighing 780 pounds each, with cast-iron heads. The lift of these is fifteen inches, and the number of strokes from fifty to sixty a minute. It is arranged with oscillating tables, and has for its motive power a water-fall, whose force is estimated at 120 horse-power. The total cost of this establishment has been \$20,000, but Mr. Bürkner

says that such a one could be erected for \$13,000. It has for a long time treated at the rate of from thirty-five to thirty-six tons of quartz in twenty-four hours. The cost of extraction of the quartz from the veins is from \$4 to \$9, according to their dimensions, and the cost of stamping and amalgamation from \$0.50 to \$0.75, according to its greater or less hardness. Mr. Bürkner himself directs the working of the establishment, from which he has already received large profits, and has employed two hundred workmen at an average of \$1.25 a day. According to the last report of the Chief Commissioner of Mines, there is probably no district in the province where mining is so economically carried on, and crushing so cheaply done as in Waverley, and he asserts that "a lode averaging fifteen inches in thickness is now worked at a depth of 300 feet at a cost of 8 dwt. to the ton." On account of the great depth of soil the workings have hitherto been chiefly confined to a very narrow belt, and the district is as yet but very imperfectly explored. It is not easy to explain the falling off in the produce of Waverley, but it can hardly be attributed to impoverishment, and still less to exhaustion. In the opinion of Mr. Michel, most of the present workings "have reached the greatest depth at which they can be profitably wrought under the present conditions, and will require, for the future, special arrangements and powerful machinery to make the veins productive." Meanwhile there is an extensive field for exploration.

We had no time to examine the workings of the Boston and Nova Scotia Company; but Mr. Rutherford in his Report for December 1866, tells us that this company had sunk on the No. 6 vein, to the south of the Tudor, four shafts, one of them 180 feet in depth. On the west side of this latter shaft the lode had been stoped from the surface to within a few feet of the bottom of the shaft, while a good deal of stoping had also been done to the eastward. The lode had a thickness of fourteen inches. From what we were told when at Waverley, it appears that the company still continued these workings and was then extracting quartz which yielded over an ounce of gold to the ton, from a shaft of ninety feet on the North vein. The mill of eight stamps is worked by a steam engine.

To treat thirty-five tons of hard quartz in the mill of Mr. Bürkner there are required the labour of five breakers and feeders, making ten for the twenty-four hours; but for softer slaty mineral eight are sufficient. Besides these, the services of a skilful mechanic or engineer are required.

The loss of mercury in the process of amalgamation, as carried on at Waverley, is but small; due care being of course taken to recover that which is separated in distilling the amalgam. According to Mr. Bürkner there were consumed, in the treatment of about 7,000 tons of quartz at his mill, 115 pounds of mercury, which, at \$0.65 the pound, is worth \$47.75, being very little over one cent for the ton of mineral. This is equal to nearly .017 of a pound of mercury to the ton; according to Mr. Ashburner's tables, the loss of mercury in different Californian mills varies from less than .003 to .030, and even much more. The cost of treatment in some of the water-mills of California does not exceed that of Nova Scotia, ranging from \$0.67 to \$1.04, though in many cases much greater. (Geology of California, Vol. 1., Appendix.)

#### OLDHAM.

To the northward of Waverley, and at a distance of five and a half or six miles, after passing over a trough partly filled by the strata of the clay slate division of the gold-bearing series, we come, says Mr. Campbell, to another great anticlinal fold exposing the quartzites. On this band, at a distance of two miles east from Grand Lake, the gold district of Oldham is situated. The horizon of the gold-bearing lodes according to the same observer, is seen, from the section of the railway cutting, to be not much less than 2,500 feet from the summit of the quartzite division. The mines are opened in a deep narrow valley, which extends for some distance along the anticlinal, and have afforded very rich products. From 1861 to the end of September, 1866, this district yielding 5,208 ounces of gold, the average per ton being 18 dwt. 2 gr. In the succeeding year, to the close of September, 1867, there were treated only 960 tons of mineral, yielding 1,359 ounces of gold, being an average of 1 oz. 8 dwt. 7 gr. per ton. During the first quarter of the year thirty-six workmen were employed daily, and during the second quarter sixty-five.

The Oldham district is thirty-two miles from Halifax, and is reached by a public conveyance from the Enfield station on the railway—three and half miles distant. At the time of our visit, on the twenty-sixth of last November, the workings were for the most

part suspended—not more than thirty miners being employed. Of the five stamp mills, only one was in operation at that season, and even that was for the time undergoing repairs. This mill, belonging to Mr. W. Shaffer, was, we were told, supplied in part by the mineral from his own workings, but treated also the mineral furnished by other proprietors in the district, who paid at the rate of \$3.50 a ton for crushing and amalgamation. Mr. Shaffer had also a Chilian mill, which was then unemployed; but, according to the *Mining Gazette*, has lately treated seventeen tons of quartz with a yield of 23 oz. 4 dwt. of gold, and it would appear, by recent accounts, that there are signs of renewed activity in this district.

The workings of Oldham have generally been by open cuttings on the slope of the veins, sometimes carried to the depth of sixty feet. One of these, on the Hall lode, has a length of 160 feet, and attains, in parts, forty feet, at which depth the vein is said to be lost, but is perhaps only displaced by a dislocation. The vein is very irregular, and in some parts contracted to a slender seam, which is then very rich in gold. Beside these open cuttings, however, there are numerous shafts; one of these on the Britannia lode, which dips northward about seventy degrees, has attained a depth of 108 feet. There are said to be known in this district, about sixty-parallel quartz lodes, running east and west, in a breadth of about half a mile. These lodes, corresponding to one-half that number of interstratified sheets of auriferous quartz, are symmetrically arranged on the north and south side of the anticlinal axis, with opposite dips. They have been traced for about a mile and a half from west to east, but in this direction disappear from the effect of a north and south synclinal. Several of the more southern beds, having a south dip of from forty-five to sixty degrees, are seen to curve gently towards the north-east, assuming a south-east dip, which, in one case, can be followed until it becomes east-south-east. Four of these lodes have been more or less opened, and workings were going on in two of them for the purpose of extracting the quartz, which, along the side of a hill, was easily removed by stripping off the overlying beds of quartzite. The surface of these layers exhibited, in a marked manner, the ribbed or fluted appearance already mentioned. These ribs resembling, on a smaller scale, those of the barrel quartz of Waverley, were inclined downwards to the eastward, at a considerable angle, apparently coinciding with that of the east and west anticlinal axis. To the north of the axis a single northward-dipping lode has also been followed till it curves southward and assumes a north-east dip, evidently turning around to meet one of the southern lodes.

The thickness of the lodes in this district varies from one to fifteen, and in some instances twenty inches; and one to the south of the anticlinal, attains several feet. The enclosing rocks here, as in the other districts, are quartzite, more or less schistose, with bands of slate. Several transverse veins have been observed in this district, generally of small dimensions, and traversing alike the quartzite and the slate. One of these, as described to me by Mr. R. G. Fraser, of Halifax, is worthy of notice, as an exception to the generally sterile character of these cross veins. It was traced in a north and south direction, across beds of quartzite, for a distance of thirteen feet between two east and west lodes, which were themselves poor in gold. The cross vein was twenty-four inches wide at the surface, but diminished to four inches at eighty-six feet, and to two inches at ninety-six feet, where it was abandoned. It was said to consist of quartz with some chloritic matter and a greenish dolomite, all carrying gold. Mispickel and the usual sulphurets were also found. From 185 tons of the matter from this vein there were extracted 519 ounces of gold. Bitter-spar, holding gold, was also met with in one of the east and west lodes, and calcite, with small quantities of pink orthoclase felspar, was found in thin seams in the slates.

The old workings in this district are of such nature as to be often very embarrassing to those who would undertake systematic mining. They have been carried on without plan or forethought, and it would seem solely with reference to immediate returns, without regard for the future of the mining district; so that the whole field presents an appearance of great disorder. This is the more to be regretted, as the structure of the region is such that certain preparatory labours undertaken in common, and well directed, would have greatly facilitated the working of the veins. The richness of these is such that it appears probable that a judicious and skilful expenditure of capital would restore to Oldham its former productiveness, and make of it an important gold district.

## RENFREW,

To the northward of the Oldham anticlinal, according to Mr. Campbell, we cross a belt of clay slate belonging to the upper division of the gold series, and occupying a synclinal, before arriving at the sixth and northernmost anticlinal of his section, on which is situated the Renfrew gold district. The mining operations at Renfrew, he tells us, have hitherto been confined to the lodes on the south side of the anticlinal, those to the north side being covered by a considerable depth of drift derived from the clay slates, or from the Upper Silurian rocks, which overlie the gold-bearing series a short distance to the north. Mr. Campbell detected large exposures of quartz in two localities to the westward, along the same anticlinal, one about ten miles distant, where the River Hebert crosses it obliquely, and where gold was found in the drift and in the quartz; and another seven or eight miles farther westward, a mile and a half to the east of the post road from Halifax to Windsor, and about nine miles distant from the latter place. It is highly probable that careful explorations may detect, at some points along this line, other outcrops of the rich auriferous lodes of Renfrew. In February, 1853, when Mr. Campbell wrote the report from which the preceding details are cited, the declared production of gold for Renfrew was only 508 ounces; but since that time, the yield has rapidly augmented,—the official returns from 1861 to the end of September, 1866, giving a total of 9,898 ounces of gold, with an average yield of 1 oz. 8 dwt. to the ton of mineral. During the succeeding year, ending Sept. 30th, 1867, there were crushed in the Renfrew district 7,700 tons of mineral yielding 9,401 ounces of gold, which is equal to an average of 1 oz. 4 dwt. 4 gr. to the ton. The product for each laborer employed during these twelve months was not less than \$895.30. These figures suffice to shew the great prosperity of the Renfrew district, in which we found at the time of our visits in November and December, 1867, three mining companies in operation, employing in all 225 or 230 workmen.

The Ophir Mining Company, under the direction of Mr. H. B. Prince, was organized in 1866 in Boston, with a paid-up capital of \$100,000, in shares of one dollar each, which are now at a premium of seventy-five or eighty per cent. The property comprises nineteen lots,—the three upon which the principal mining operations are carried on, having been bought for \$1,600. Three lodes are here mined,—known as the North, South and Brook veins, which run east and west, with a dip of about forty-five degrees to the south. The first of these really consists of three contiguous veins, divided by slaty layers, the breadth of the whole being from eighteen to thirty inches. All of the material extracted from this lode, with the exception of some adhering fragments of sterile rocks, is submitted to the stamps. Five shafts are sunk on this North vein, at intervals of 100 feet; they are numbered from east to west, and have, in this order, the respective depths of 60, 128, 130, 156 and 140 feet. They are connected by about 500 feet of galleries, opened at different levels, for the extraction of the mineral, which, as well as the water, was raised to the surface by means of horse power. At the time of our departure, however, a pump was being fixed in the deep shaft of 156 feet, connected with a steam engine of twenty-five horse-power, which will also serve for raising the mineral from the adjacent shafts.

The three quartz layers of the North vein became so thin to the eastward, that the easternmost shaft was abandoned at the depth of sixty feet; but we were informed that to the westward, beyond the limits of the Ophir Co., they unite in a single vein of seven or eight inches. Upon the South vein, which is about one hundred and fifty feet to the south of the one just mentioned, six shafts have been sunk, numbered from east to west, and having, in December last, the depths of 145, 150, 165, 162 and 156 feet. The shafts, Nos. 1, 2 and 3, have distances of 120 feet between them; while the others are at intervals of 100 feet. Galleries for the purpose of extraction, having an aggregate length of 700 feet, have been opened at different levels, one of which, at a depth of fifty-five feet, starting from the shaft No. 3, connects the whole. The thickness of this vein in the easternmost shaft is only three or four inches, but it gradually thickens towards the west, and in the shaft No. 6, attains a breadth of ten inches. The lifting of the mineral and of the water from the mine, was effected by horse-power, but preparations were at the time being made to drain the whole by means of a pump over shaft No. 5, to be worked by the engine on the North vein. On this account workings were temporarily suspended in some of the shafts of the South vein. The mining on the Brook vein, about 700 feet to the south of the South vein, consisted of a single shaft of the depth of seventy feet, from which the



mineral and the water were raised by an apparatus moved by water power. The working at the Ophir mine is by underhand stoping—the method of overhand stoping, at first adopted, having been abandoned on account of the inevitable loss from the falling of the small fragments of rich ore among the waste rock. The height of the benches varies from six to twelve feet. The sides of the vein are first taken down, and the barren rock is, as far as possible, separated, and placed behind on scaffoldings constructed for the purpose. The rich mineral is next removed, and taken down from stage to stage, to the place where the tubs for bringing it to surface are ready to receive it.

The working of the Ophir mine is conducted in a systematic manner, and with great activity, as is shewn by the fact that 1,550 feet of shafts, and 1,300 feet of drifts had already been opened in the North and South veins. The veins are enclosed between a schistose quartzite, which forms the overlying rock, and a slate, which lies beneath. Gold is visible not only in large grains in the quartz, but also in plates and strings in the slates which enclose and separate the quartz layers. Rich specimens, exhibiting both of these conditions, were extracted in our presence from shaft No. 6, on the South vein. The tender slates which underlie, and are interlaminated with the quartz, are estimated to yield 5 dwt. or 6 dwt. of gold to the ton, and are stamped with the richer mineral. The North and South veins have preserved their general aspect and their richness with great regularity, to the depths already noted, and everything leads to the conclusion that the working may be carried on for a long time under favorable conditions.

We have already given, on page 14, the details with regard to the stamp mill of the Ophir mine, which we consider the best mill in Nova Scotia. From its establishment to December 1, 1857, it has pulverized and amalgamated 6,730 tons of mineral, yielding 9,795 ounces of gold. During the first four months of this time but sixteen stamps were in operation, and it is only since February 1867, that it has been working with its full number of twenty-four stamps.

We are not able to examine the workings of the New Haven and Renfrew Co., and paid but a rapid visit to those of the Hartford Co., two Connecticut companies, both in successful operation, and under the direction of Mr. C. W. Allen. The property of the Hartford Co. includes ninety-five lots, upon six of which are known about twenty veins, from three to twenty inches in thickness. Eleven of these were counted in a breadth of about 250 feet. They are enclosed, like those just described, and have an east and west course, with a southern dip, but exhibit in one place an abrupt turn towards the north or north-west. The workings on this property, which were in great part suspended during our visit, consist of ten shafts, and as many galleries, the depths varying from 30 to 160 feet, and the length of the galleries from 75 to 150 feet. The mineral and the water are raised to the surface by horse whims or by windlasses. Besides gold, of which very rich specimens are met with, mispickel, galena, iron and copper pyrites are found in the quartz of these veins, portions of which yield 4 oz. of gold to the ton, the average being 2 oz. The stamp mill, which we saw in operation, is moved by a waterfall estimated to be equal to twenty horse-power. It consists of two batteries, each of four stamps of 700 pounds weight, having a lift of about ten inches, and making from sixty-five to seventy strokes a minute. It is said to pulverize and amalgamate according to its greater or less hardness, from six to nine tons of mineral in twenty-four hours.

The mineral under treatment at the time of our visit, was from the McLeod vein, about a quarter of a mile to the north of the North vein. This McLeod vein, which has like the others a southern dip, is about a foot in width. We saw upon it two shafts of eighty and ninety-five feet, situated about a hundred feet apart, in one of which work was going on. This same vein further to the eastward, is mined by the New Haven and Renfrew Company.

The price of labour in Renfrew is from \$1.20 to \$1.25 a day. The cost of extraction of the mineral varies from \$5 to \$12, according to the size of the veins; and the cost of crushing and amalgamating from 50c. to \$1.50, according to the hardness of the mineral. At the Ophir mine, the cost of the mineral brought to the surface is estimated at \$7, and that of the subsequent treatment at 70c. the ton.

The Honorable Robert Robertson, Chief Commissioner of Mines, thus speaks of the district of Renfrew, in his Report dated January 10, 1868. "From being the third in rank

last year, and the fifth in years previous, it has placed itself first this year, having produced nearly 900 ounces more of gold than any other district, and is only second in profit to Sherbrooke, each man employed having earned \$895.30 for the year. This result may well inspire the miners in depressed districts with confidence; since from being one of the poorest districts, it has in a short time become one of the most productive."

#### UNIACKE.

The history of this new gold district is given as follows, by Mr. Hamilton, the late Chief Commissioner of Mines, in his Report of December 1st, 1866—Early in that year a party of explorers in the township of Uniacke, discovered lodes of gold-bearing quartz, which were so promising and attracted so much attention that before midsummer there was already taken up, under leases and prospecting licenses, a larger area than in any other gold district in the Province. The tract of land thus occupied belongs in part to the estate of the late Hon. Richard T. Uniacke, and its centre is nearly three miles in a north-west direction from the Mount Uniacke station of the Windsor Branch Railway. It is the most elevated gold-mining district in the Province, being about 560 feet above the sea level.

A road was laid out by the Government from the station to the new district, where a village of fifty houses has grown up within the past year. The successful results already obtained shew that the district is one of great promise. The official report for the year ending September 30th, 1866, shewed only 73 ounces of gold for Uniacke, the average product being 2 oz. 17 dwt. 5 grs. to the ton. The labors since that time have been in a great degree exploratory, and the result obtained, for the most part, are such as do not appear in the official report. The published returns for 1867, shew, however, that there were treated, up to the 1st October last, 1,212 tons of mineral yielding 947 ounces of gold, giving an average of 15 dwt. 15 grs. to the ton. The number of workmen having been on an average thirty, the product of gold for each one was \$584. The area over which auriferous lodes have been observed in this district has a breadth of about one and a half miles from north to south, and, it is said, not less than six miles from east to west. The dip of these lodes is nearly vertical, but with slight northward and southward inclination on the two sides of the field. Here, as elsewhere, there are examples of dislocations, probably connected with north and south undulations. The further study of this large area will doubtless present many points of geological interest. The lodes of Uniacke present similar characters to those of other districts already described, and are inclosed in quartzite, generally with linings of slate. Their thickness varies from one inch to several feet, and the large veins are frequently divided into several layers by thin intercalations of slate. Besides gold, galena, iron and copper-pyrites and mispickel occur in the lodes, the latter in some instances in large proportions.

During our visits to Uniacke, in December last, we found two regular workings, and several explorations going on, occupying in all about sixty laborers. The property of the Montreal Company comprises twenty-one lots, in three of which are said to be about thirty veins, varying from an inch to four feet in thickness; one of these, named the Logan vein, had been opened by two shafts, one of which was then worked, and had attained a depth of fifty feet. This vein, which is from ten to twelve inches in thickness is divided by several thin layers of slate. At a depth of about twelve feet was a gallery, extending for about thirty feet along the vein, from which quartz, rich in visible gold, was then extracted. The service of the mine was by means of a hand windlass. The stamp-mill of this Company has a steam engine and eight stamps, but leaves much to be desired as to its construction; it was, besides, only running at intervals, for the reason that the single small working did not suffice to furnish a constant supply of mineral. It is to be regretted that a property of such excellent promise should not be worked in a more efficient manner. According to the *Mining Gazette* for March, this company was then extracting quartz whose yield of gold was from three to four ounces to the ton.

The Uniacke Company, which is directed by Mr. Macintosh, was organized in Boston by Mr. C. T. McClure, who has also established the Ophir Company of Renfrew, and the Wellington and Palmerston Companies of Sherbrooke. The property of the Uniacke Company includes 121 lots, three of which are being wrought, and exhibit twenty-five veins, varying from six inches to ten feet in thickness. Three of these were mined at

he time of our visit. The principal vein, designated the Old Lead, had a thickness of twelve inches, and was divided by several thin layers of slate. It was then yielding mineral holding visible gold, from a depth of 100 feet. The quartz is taken out from the drift by underhand stoping, and, like the water, is raised to the surface by means of a horse whim. The treatment of eighteen tons of this mineral, during one of our visits, yielded about 50 ounces of gold, or nearly three ounces to the ton. Mining was at the same time going on at another place, a few feet south of the Old Lead, where a group of thin veins, up to an inch in thickness, occurs interstratified in a layer of slate. A little more than a foot of this lode is crushed, and was yielding about 2 oz. of gold to the ton; the mineral was extracted by an open cutting about fifteen feet deep. This same slaty band is mined at another point a little further to the west, where it has a greater thickness, but is less rich in gold. Still another opening had been made on a vein of a foot in thickness, to the south of the last, and from a depth of 30 feet was said to yield 15 dwt. of gold to the ton. In these various workings, the rock and the water were raised to the surface by means of windlasses. The price of labor in this district is, on an average, \$1.25 a day. According to the *Mining Gazette* for March, the crushing of 117 tons of mineral by this company, early in February, yielding 132 oz. 16 dwt. of gold.

The mill of the Uniacke Co., constructed by Mr. Peter Monteith, cost, we were informed, \$3,000; it has two batteries of four stamps, weighing 600 pounds each, shod with steel, and is moved by an engine of eight horse-power. The lift was fifteen inches or more, and the strokes sixty-five in a minute. This mill pulverizes eight tons of mineral in the twenty-four hours, and the amalgamation is effected in the batteries, which are furnished with fixed tables, covered with amalgamated copper plates.

The Mitchell vein, in this district, is worthy of notice as one of the few examples observed in Nova Scotia of a quartz lode enclosed between two walls of quartzite, without accompanying slate. This vein, which has a thickness of two or three inches, yielded near to the surface as much as 13½ oz. of gold to the ton, and its richness at fifty feet though less, was still exceptional. Its working was at that time abandoned on account of its narrowness and the hardness of the rock. Other important gold-bearing lodes have been discovered in its vicinity, and are included in the property of the Alpha Company, recently organized, and possessing eighty-eight lots, with a mill of eight stamps, worked by steam power. Two small veins, to the north and south of the Mitchell vein, are noticeable from having been affected by numerous small dislocations, the effects of which are well displayed on the exposed surface of the hard grayish quartzite.

Interesting peculiarities may be observed in other parts of this district. Upon some lots there being explored by Mr. Bürkner, a group of small veins intercalated with slate is seen to form, 150 yards further to the east, two large veins, separated by a band of eight inches of slate; while not far off the reverse of this is observed in the case of a vein of two or three feet, which a hundred feet farther on is represented only by five or six small seams of quartz interstratified with slate.

We were unable from want of time, to visit the lots of the Westlake Company, and also those belongings to Messrs. Hall and McAlister, upon both of which explorations were being carried on with very satisfactory results. Further working of these properties have given products of unusual richness. According to the *Mining Gazette* for February, thirteen tons of quartz from a lode on the land of the Westlake Company gave not less than 234 oz. 6 dwt. of gold, or more than 18 ounces to the ton. This result is doubtless exceptional, but fifty-five tons from the same property are said to have since yielded 201 oz. 10 dwt., and Messrs. Hall and McAlister, from a depth of seventy feet, had extracted six tons of quartz, producing 22 ounces 7 dwt. of gold. The official reports for these few months are not yet received, but there seems no doubt of the great richness of the quartz lodes in this new gold district.

#### SHERBROOKE.

This mining district is situated near the sea coast, to the north-east of Halifax, and about 60 miles from New Glasgow, from which station, on the Nova Scotia railway, a public conveyance runs daily to the town of Sherbrooke on the east bank of the St. Mary's River near its mouth. The mines are on the opposite side of the river, and about a mile and a half from the ferry.

Gold was discovered here in 1861, and from that time up to the end of September, 1866, this district had, according to the official returns, produced 19,101 ounces of gold;

the average yield for the whole time, being 1 oz. 16 dwt. to the ton. In the succeeding year, ending September 30, 1867, there were treated in this district, 5,809 tons of quartz, which produced 8,522 ounces of gold, or about one-third of the entire yield of the province for that period, the average being 1 oz. 9 dwt. 8 gr., to the ton of mineral. The average yearly product of gold for each miner in this district, for the last three years, has been equal to \$1,379.40, and for the last year, as may be seen by the table given in the Appendix, amounted to not less than \$1,592.58. Sherbrooke, therefore, ranks first among the gold-producing districts of Nova Scotia.

The mines in activity at the time of our visit, on the 20th of November, 1867, were, those of the following companies, viz.:—The Wellington, the New York and Sherbrooke, the Hayden and Derby, the Dominion and the Palmerston Companies, but their works having partially suspended during the winter, the whole number of workmen employed was not over 180.

The property of the Wellington Mining Company includes nine acres, upon which nine auriferous veins are known. Of these the principal is also mined to the east on the lots of Mr. Cumming, where it is said to have yielded 1½ oz. of gold to the ton. Its thickness on the property of the Wellington Mining Company is from fifteen to twenty inches, and its dip about forty-five degrees to the north. It is worked by two shafts connected, at the depth of 140 feet, by a gallery. The eastern shaft, which had at the time of our visit a depth of 215 feet, was then yielding quartz rich in visible gold. The rock is raised by a steam engine of twenty horse-power, which also serves for the drainage of the mine. The lode is overlaid by a band of several feet of black slate, and it was in the portion adjoining this that the greatest part of the gold seemed to be accumulated. The yield of the mineral was said to be over two ounces to the ton; but according to the *Mining Gazette* for February, the treatment of 100 tons, completed on the 4th of January, gave 394 ounces of gold. The mineral is pulverized and amalgamated in a mill having four batteries of four stamps each, worked by a steam engine of fifteen horse-power, and capable of treating, according to its greater or less hardness, from sixteen to twenty tons of mineral in twenty-four hours. The tables are fixed, and have the form of sluices. This establishment is justly regarded as one of the best in the region, and employs about forty laborers whose wages average \$1.20 a day.

The mines of the New York and Sherbrooke Company, and those of the Hayden and Derby Company are both situated to the westward of the Wellington. Our time did not permit us to visit the first; and we made but a rapid examination of the second, but obtained from reliable sources the following information with regard to these two establishments.

The New York and Sherbrooke Company have about forty lots, on which are known twenty-five lodes, varying from an inch to three feet in thickness, and running somewhat north of east, with a dip of about forty-five degrees to the northward. Although a dozen shafts have been sunk, only five of them, connected by drifts, were being worked at the time of our visit. The depth of the principal shaft was then 170 feet, and it was yielding quartz whose average produce was two ounces to the ton. The mill of eight stamps, with the shaking tables, is worked by a steam engine of fifteen horse-power. This establishment, like the last, employs about forty workmen, and although for some time in a depressed condition, is now progressing under skilful management.

The property of the Hayden and Derby Company consists of only seven lots, which contain a dozen gold-bearing veins of from two to twenty-four inches in thickness, dipping like the last. The working is carried on by six shafts, connected by galleries, and by an open cutting of 100 feet on a vein of from eight to fifteen inches. The mill has fifteen stamps in three groups; it is provided with shaking tables, and is worked by steam power. The mean produce of the mineral from this mine was said to be three ounces to the ton. This establishment employed, at the time of our visit, about twenty workmen.

The mines already mentioned, are situated to the north of the road passing through the village of Goldenville, which has been built up on this gold district. To the south of the road are the mines of the Dominion and Palmerston Companies. The first of these was organized in May, 1867, and includes nine lots, two of which have been wrought since 1863, and are known to contain about twenty veins, which offer many points of interest. To the south of the Dominion vein there are seen, in a small breadth, numerous veins running to the north of east, and nearly vertical, but with a slight dip to the southward. They

have generally a layer of slate on the north side, separating them from the schistose quartzite, which here forms the predominant rock. To the north of the road, on the contrary, the black slates appear to prevail. These facts, taken into connection with the dip, would seem to show that we are here near the axis of the anticlinal, and that the repetition of the slaty portion, with its accompanying veins, but with a southern dip, may be expected southward.

Among the veins of the Dominion Company are two of about a foot each, separated by only the same thickness of quartzite. Two others, of eight and four inches, are separated at the surface by a considerable thickness of quartzite, which in descending becomes thinner, while the lodes augment, and finally, at a depth of twenty-five feet, unite in a single lode of about twenty inches. Several of these have already been found to be auriferous. The principal lodes are those known as the Dominion and Palmerston veins, the last about 100 feet to the north of the other. They, were, at the time of our visit, wrought by means of two shafts furnished with windlasses, and each 85 feet in depth. At this level it was proposed from the Palmerston shaft to open two galleries, the one northward to the limit of the company's property, and the other southward to meet the Dominion vein—the sinking of the Palmerston shaft being continued to serve for the draining of the mine. The southern gallery was already being opened in November last, and according to the *Mining Gazette*, for April, had intersected a mass of veins, which, in a breadth of twenty-two feet, contained more than fifteen feet of auriferous quartz, upon which a level had been driven thirty feet to the westward. The future working will have for its base the Dominion vein, from which it is proposed, by transverse drifts, to communicate with the veins still farther to the southward.

It had been found necessary as a preliminary to the successful working of this property, to fill up the old workings, thus excluding the surface waters. Although the labors at the time were thus, in great part, preparatory, and with reference to the future of the mine, considerable quantities of quartz had been extracted, which was lately estimated at 800 tons. That from the Dominion vein holds visible gold, associated with iron and copper pyrites, and portions of chlorite, which also forms thin slaty layers in the Palmerston vein. In the latter the gold is associated with mispickel. The working during the winter employed only about twenty men, who received on an average \$1.25 a day. The construction of a stamp mill, is in progress, but was wisely deferred until the preliminary labors should have opened the ground to such an extent as to ensure a constant and abundant supply of mineral. The skill and forethought displayed by the director of this mine, Mr. Stephen Goodall, not less than the abundance and apparent richness of the mineral, are such as should secure the success of this mining enterprise.

To the west of the Dominion Company are two other workings, those of the Boulder mine and the Palmerston Co. At the former there was but a single shaft, then at a depth of 63 feet, from which, by means of a windlass, was being raised quartz, seemingly rich in gold, and charged with mispickel. Our time did not allow an examination of the Palmerston Company's mine, but as it is an establishment too important to be passed over in a notice of the district, we cite the following details from Mr. Heatherington's Guide to the Gold Mines of Nova Scotia, already referred to. This company was organized in Boston, in November, 1866, with a capital of \$100,000, American currency. The shares, originally of \$1 each, now bring \$2.15. The property of the company consists of 29 lots, of which only four are now worked. The average yield of the mineral, including portions of the slate which are crushed with the quartz, is stated at one and a quarter ounces the ton, and the mean cost of extraction and treatment is \$5.70. The company employs 40 miners, and owns a mill and shaft-house worth \$6,000. The yield for some time past has been at the rate of 200 ounces of gold per month.

The financial statement of this company from its commencement, as given in the *Mining Gazette* for January, is as follows, in American currency:—

|                                                      |                    |
|------------------------------------------------------|--------------------|
| Receipts from November 10, 1866, to October 28, 1867 | \$85,515.59        |
| Expenses at the mine.....                            | \$35,166.61        |
| Cost of erecting ten-stamp mill.....                 | 7,287.50           |
|                                                      | \$42,454.11        |
| <b>Net profit.....</b>                               | <b>43,061.48</b>   |
| Deduct dividend of 25 per cent.....                  | 25,000.00          |
|                                                      | <hr/>              |
| <b>Balance .....</b>                                 | <b>\$18,061.88</b> |

We saw the mill of the Palmerston Company, which consists of a single battery of four, and two united of three stamps each, and has a steam engine of ten horse-power. The lift of the stamp is about twelve inches, and the number of strokes was seventy per minute. This mill was said to treat on an average, ten tons in twenty-four hours, and is provided with tables having lateral oscillations.

The total yield of the Sherbrooke district for the twelve months ending December 31, 1867, was 9,463 oz, 18 dwt. of gold; being an increase of 3,634 ounces over the produce of the preceding year. The returns for the month of January, 1868, show 4,368 days' work, 600 tons of ore raised, 550 tons crushed, and an average yield of 1 oz. 3 dwt. 13 gr. of gold to the ton of 2,000 pounds; the gross product having been 647 oz. 1 dwt. 6 gr. Great activity exists in this district, and several new companies have been organized since the date of our visit.

#### WINE HARBOR.

This gold-mining district is situated ninety miles eastward from Halifax, about ten miles from Sherbrooke and four miles from the mouth of the St. Mary's River. The auriferous quartz lodes are met with over a belt of nearly a mile from north to south, and are in thick bedded quartzite, generally associated with thin layers of finely laminated bluish shale, which greatly facilitate the process of mining. The attitude of the lodes, which are here, as elsewhere, regularly interstratified with the enclosing rock, is nearly vertical, and their course about east and west. They are occasionally displaced by transverse dislocations.

The gold district of Wine Harbor was for some time one of the most prosperous in the province, and its falling off during the last two years is not apparently due to any decrease in the richness of its mines. According to the official returns, this district yielded from the discovery of gold in 1861 to the end of September, 1866, 13,402 oz. of gold, the mean produce being 1 oz. 3 dwt. to the ton of quartz. In the succeeding year, ending 30th September, 1867, the whole amount of mineral treated was only 1,667 tons, yielding 764 ounces of gold, or but 8 dwt. 13 gr. to the ton. At the time of our visit in November last, three mines only were in activity, employing in all about fifty miners, the workings being partly suspended.

The Eldorado Company has thirty-two lots, upon two of which are known five veins from six to eighteen inches in thickness. Several shafts, one of seventy feet, are said to have been sunk on this property, where, however, we saw only a single work in progress, employing five or six men. This was an open trench at the level of high water, running north-north-east, with the design of meeting at a distance of 500 feet, the shaft of 70 feet which is sunk on the so-called Middle vein. This cutting, which had at that time a length of 330 feet, had not intersected any vein of interest. The workings at the Middle vein had been interrupted on account of the water in the excavations, but the richness of the material which had been previously extracted from this vein, was such as to justify the construction of this gallery. This Company has a mill of twelve stamps, and a pump for the removal of water, both worked by steam power.

The Orient Company has thirteen lots on the point of land known by the name of Barasois, upon which numerous veins have been discovered; of these, the principal, which we examined, known as the Rankey vein, had a course a little to the south of east, and dipped at a high angle to the northward; its thickness was from ten to twelve inches. It was opened in 1866 by means of four shafts, two of which have reached depths of 90 and 100 feet, and are connected by a gallery of 150 feet. The surface was here covered with twenty-five feet of soil. We were unable to get more precise details relative to this mine at the time of our visit, the operations being then suspended, and the mill taken down, preparatory to the erection of a better one. The average yield of the mineral from the lode has been 17 dwt. of gold to the ton.

The company recently organized under the name of the Provincial Company has thirty eight lots, upon which are known six nearly vertical veins, from three inches to three feet in thickness. Many of these lots have been worked since 1862, and have yielded large returns to the different parties formerly owning them. One of these, the Caledonia Company, obtained in six months \$200,000 of gold. The most important workings on their property have, however, been on the so-called Hattie lode, which appears from the

report of the Inspector, Mr. Rutherford, in December, 1866, to have embraced several veins of different thicknesses, included in a breadth of seven feet. At that time several shafts had been sunk to depths of from 70 to 183 feet, and nearly all the lode between these had been removed.

The Hattie lode is about 700 feet to the southward of the Middle vein, and so near the margin of the sea that it has been found necessary to exclude the waters at high tide by means of a dyke. The four shafts sunk upon this lode on the property of the present Provincial Company are from 90 to 240 feet in depth, and a gallery 300 feet in length has been opened at a depth of 180 feet.

The raising of the mineral and the drainage are effected by means of a steam engine which has cost \$8,000. The quartz which we saw taken from the depth of 180 feet was rich in visible gold, particularly near to the walls, where it was seen in large grains, and we were assured that the average produce was two ounces of gold to the ton. The mill consists of two batteries of four stamps each, with fixed tables, and has a steam engine of twelve horse-power; its cost was said to be \$4,000. The weight of each stamp was 400 pounds, the lift ten inches, and the number of strokes sixty-five a minute. At the time of our visit, only one of the batteries was in operation. It reduces less than a ton in twenty-four hours for each stamp, but the pulverization is extremely fine, a condition which is very favorable to thorough amalgamation. This establishment employed at that time from twenty to twenty-five workmen.

Recent accounts shew a renewed activity at Wine Harbor, which has suffered from imperfect drainage and from the want of sufficient machinery, but under proper management, will probably again assert its old position as a rich gold-producing district. Considerable alluvial gold has been in former years obtained at Wine Harbor.

#### STORMONT.

The gold district of Stormont lies some distance to the eastward of Wine Harbor, and embraces within the limits Seal Harbor, Country Harbor, and Isaac's Harbor. Some details with regard to its geology and mineralogy have already been given, on pages 7 and 9, from the report of Mr. Campbell, according to whom the whole of the coast between Country Harbor and Isaac's Harbor presents quartz lodes, which might be mined with advantage. It appears, from the last report of the Chief Commissioner of Mines that explorations with very satisfactory results were, last year carried on at Seal Harbor, and also at Country Harbor, from which, however, there are no returns since 1862, when twenty-four tons of quartz yielded forty ounces of gold. Twelve miles beyond, at Isaac's Harbor, considerable mining work has been done, and with most encouraging results, as will appear from the official returns, which show, up to the 30th September, 1866, a total yield of 6,636 oz. of gold; the average yield per ton being 2 oz. 2 dwt. 1 gr. During the last year there were treated 1,149 tons of quartz, which gave 1,505 oz. of gold; being an average of 1 oz. 5 dwt. 8 gr. to the ton. The average number of miners employed during the year was forty-five, and the product for each man \$618.75. In his last report, the Honorable Commissioner of Mines informs us that "this year (1867), as compared with the last, gave an increase of 450 ounces, with a much smaller quantity of quartz crushed, and a larger yield per man." The great difficulty of access, except by water, has hitherto prevented the development of this large and promising gold district. Profitable alluvial washings were wrought here in 1862, but have since been abandoned.

#### TANGIER.

The first discovery of gold-bearing quartz in Nova Scotia appears to have been made in 1858, by Captain L'Estrange, R. A., in what is known as Mooseland or Old Tangier, about twelve miles from Tangier Harbor or New Tangier.

Both of these localities are included in the Tangier gold district, which is described as having a length of about fifteen miles and a breadth of two miles. At Tangier Harbor, according to Mr. Campbell, clay slate, generally blue, but sometimes olive colored, is the predominant rock, interstratified however with hard flinty bands stained with oxyd of manganese, and with beds of dark white-weathering quartzite. In the opinion of Mr. Campbell the beds, which appear on the crown of the anticlinal, belong to the uppermost part of the gold series, of which only the summit has been exposed by denudation. The

veins run nearly east and west, with the strike of the beds, and have a southward dip of from ten to thirty degrees from the vertical, as described by Professor Silliman in his valuable report on this district, made in 1864. These veins are subject to considerable variations in size, being sometimes reduced to mere films, and again rapidly assuming a considerable thickness. It is perhaps from irregularities of this kind, or from dislocations connected with the east and west folds, that the lodes have secured in some cases to traverse the strata in dip. Professor Silliman describes the productive veins as parallel to the beds, which are however intersected by cross lodes, generally sterile. The productive veins offer the same general characters as those of the other districts already described. We were not able to visit Tangier, but cite the following facts with regard to its yield of gold :—

It appears from the official returns that from 1861 to the end of September, 1866, there were extracted 3,457 ounces of gold, the average yield being 18 dwt. to the ton of quartz. For the succeeding year, however, ending the 30th September last, only 486 tons of mineral were treated in this district, yielding 395 oz. 18 dwt of gold, being an average of 18 dwt. 7 gr. to the ton.

This district appears to have been injured by unskilful mining, and to have fallen into, perhaps, undeserved neglect; recently however attention has been again turned to it, and a vein opened in Strawberry Hill is said, by the *Mining Gazette*, to have afforded, in January and February last, 44 tons of quartz, which yielded 106 ounces of gold. The Mooseland, or Old Tangier field, is so difficult of access that few attempts have hitherto been made to work it; we however saw at Halifax, numerous specimens of extraordinary richness which had been extracted by Mr. Adams, of the Beneficiary Company of Boston, from different excavations made last autumn at Mooseland. One of these specimens weighed twelve ounces, of which eight were estimated to be pure gold. Since that time regular working has been established, and the returns are said to be large. The lodes here are described as numerous and having a southward dip.

Considerable quantities of alluvial gold were obtained in 1861 and 1862 from washings near Tangier Harbor, the official returns giving from this source about 150 oz., but it is supposed that only a small portion of the gold then found was accounted for to the Government. One mass of twenty-seven ounces, the largest yet found in Nova Scotia, was obtained here. A small lake near Tangier Harbor, having an area of fourteen acres, and known as Copper's Lake, was a few years since drained, with the expectation of meeting in its bed a rich deposit of alluvial gold. There was found beneath a layer of mud and vegetable matter "a stratum of glacial drift and tough clay." Prof. Silliman informs us that "on sinking pits anywhere on the drained surface to the under-clay, and washing the dirt, gold is found in small unrounded nuggets, just such as are seen in the quartz, quite rough and free from any mechanical action." He found it accompanied by a heavy black sand, half of which was magnetic, the remainder consisting of titanite iron with epidote and garnets. The amount of gold, however, not being so great as was expected, this enterprise was abandoned.

#### THE OVENS.

This name has been given to a gold district embracing a peninsula on the western side of the harbor of Lunenburg, and comprises an area of a mile and a half long and three-quarters of a mile wide. Several small caves in the side of a promontory facing the sea have, from their fancied resemblance to ovens, given its name to the district. The rocks here exposed are referred to by Mr. Campbell to the same anticlinal as those of Tangier Harbor, and, like that district, exhibit chiefly the slaty upper members of the gold-bearing series. The strata here are nearly vertical, and have a direction, according to Mr. Poole, fifteen degrees to the south of west. There has as yet been very little quartz mining in this district, though gold-bearing veins have been found, and from recent accounts it appears that a mill is to be erected there. The official returns from 1861 to 1864, shew 1,282 ounces of gold from the Ovens district, but none since that date; of this the greater part, over 1,000 oz., was from alluvial washings in 1861 and 1862, since which time the washings have been abandoned, and though it is said that preparations are being made to work them during the present year.

Numerous other localities of gold-bearing quartz have been discovered, nearly fifty in



all, but of the eighteen which have been officially proclaimed and surveyed, those already noticed include the only ones that have as yet assumed any importance. Among others to which some attention has been drawn are Gold River, Chester, Upper Stewiacke, Mosher's River, Chezzetcook, Musquodoboit, Ship Harbor, Sheet Harbor, Scraggy Lake and Killag. The latter is in Halifax County, about ten miles from Sheet Harbor, and on the east side of a tributary of the Middle River, called the Killag stream. Mr. Bürkner the enterprising proprietor of mines at Waverley, is now preparing to erect a steam engine and stamp mill in this locality.

#### GAY'S RIVER.

This district, which has been already alluded to, deserves mention in passing, for although it has never hitherto assumed any importance as a gold field it is not without interest in a geological point of view. It is situated about twelve miles to the eastward of the Shubenacadie station on the Nova Scotia Railway, where, at Corbett's mills, on a small tributary of Gay's River the upturned clay slates of the gold-bearing series, are overlaid by nearly horizontal beds of a red and gray conglomerate belonging to the Carboniferous series. These beds are, at the mills, but a few feet in thickness, and are overlaid by a mass of drift, and by beds of stratified sand and clay. The slates are exposed in the channel of the mill-stream, and good sections of the overlying strata are seen in its banks. The lower portions of this conglomerate abound in flattened scales of gold, sometimes a quarter of an inch in diameter, and have been mined by means of levels driven into the banks of the brook at the junction of the two formations. A foot or more of the base of the conglomerate was thus removed, and being crushed and washed in a pan or rocker yielded rich returns.

Gold has also been found in the drift overlying the conglomerate, which is itself evidently but an ancient consolidated drift, dating from the Carboniferous period. A small quartz vein, having a dip to the east of seventy degrees, is said to have been detected in the underlying clay slates. Quartz veins without gold occur in the slate hills of the vicinity.\*

#### CAPE BRETON.

In his report for 1863 Mr. Campbell has given some interesting notes of an examination made by him, of the north-western shore of Cape Breton Island, from the Strait of Canseau to Cape North. He found alluvial gold in the sands of two streams falling into the Gulf of St. Lawrence to the south of Port Hood, and in one of these, Long Point River, the precious metal was abundant.

Further to the northward, on the Margaree, the Bedeque, and the Wagamatcook or Middle River, which flow, in the lower part of their course, through broad rich valleys, cut out of Carboniferous rocks, gold was constantly detected in numerous trials made by washing gravel, not only from the river beds, but from the neighboring alluvial deposits, and in such quantities that Mr. C. expressed the opinion that gold washings on the north-east branch of the Margaree, and on the Middle River, would prove remunerative. The region has since been proclaimed a gold district, under the name of Wagamatcook, but we have no account of further explorations.

Gold was also observed along three streams near Cheticamp, the first one a little to the westward of that settlement, and two others about seven and fifteen miles to the eastward, known as Steep Mountain River and Lazare, or Red Point River. Beyond these to Cape North his search for gold in several streams was unsuccessful. The rocks along this coast, beyond the limits of the overlying Carboniferous strata, are described as apparently Upper Silurian and Devonian strata, much altered, and affected by undulations, whose general course is N. 20° E., so that an oblique section highly favorable to examination is presented by the shores of the Gulf. The north-western part of this region afforded no gold, but yielded evidences of copper, zinc and silver. The latter metals were observed on the Mackenzie River, which falls into Grand Ance or Limbo Cove. Here, besides veins of zinc ore (calamine), from three to nine inches in thickness, were remarked others of a soft spar holding native silver. In addition to this Mr. Campbell found native silver disseminated in small grains in the gravel of this river, not only near the Gulf but for several miles up its course.

\* The above description of the Gay's River deposit is condensed from one copied into Mr. Michel's notes from a source unknown to me.

## CONCLUSION.

A table from the report of the Chief Commissioner of Mines, showing the returns of the gold mines of Nova Scotia for the year ending September 30th, 1867, is given in the appendix to this report. In this table are given for each gold district the average daily labor employed, the number of mills with steam or water power, the number of tons of quartz crushed, the average yield of gold to the ton, the quantities of alluvial gold, the total amount of gold, and finally the annual return for each miner employed, the price of gold being estimated at \$18.50 the ounce, which, as we have seen, is considerably below the real value. A column giving the maximum yield per ton from each district has been omitted, inasmuch as it is deduced from the treatment of lots of ore of exceptional richness.

It is impossible to determine with precision the total amount of gold obtained from the mines of Nova Scotia since their discovery. The Department of Mines was not organized until 1862, and it was not until the following year that complete returns were obtained. From this it results that no accurate estimate can be given of the amounts of gold obtained in 1860, 1861 and 1862, though they are supposed to have been not inconsiderable. The official returns for the last six years, based on the gold for which the royalty of three per cent. has been paid, are as follows :

|            |                  |
|------------|------------------|
| 1862.....  | 7,275 ounces.    |
| 1863.....  | 14,001½ “        |
| 1864.....  | 20,023 “         |
| 1865.....  | 25,454½ “        |
| 1866.....  | 25,204½ “        |
| 1867.....  | 27,583 “         |
| Total..... | 119,541½ ounces. |

The value of the above amount of gold, at the Government price of \$18.50 the ounce, is, \$2,211,508; but at \$20, which is about the worth of the Nova Scotia gold, it amounts to \$2,390,081. If to this we add the unreported gold obtained in the first two or three years, we may conclude that the whole produce has been equal in round numbers to about two and a half millions of dollars. This amount is doubtless small when compared with the production of regions like California and Australia, where the yield of some single mines surpasses the whole annual production of Nova Scotia. As we have seen in a note to page 18, the quartz mine of Victoria employed, in 1866, 14,878 miners, and yielded 521,000 ounces of gold. The mean yield to the ton of quartz was, however, only 10 dwt. 16 gr., and the produce for each miner £117. 5s. 7½d. or \$570.71, while for Nova Scotia these amounts were respectively 17 dwt. 23 gr. and \$765. In Victoria the whole amount of quartz crushed up to the close of 1866 was nearly 4,000,000 of tons, with an average yield of 11 dwt. 23 gr., while in Nova Scotia it has equalled not quite 100,000 tons, with an average yield of over 20 dwt. of gold to the ton. It is to be remarked that with improved systems of mining and working, both in Victoria and Nova Scotia, poorer materials may be wrought with profit, so that while the average product of gold per ton diminishes, the return for each miner increases. We have but to consult the table given below to see that the produce for each miner is proportionate not so much to the richness of the quartz as to the skill and economy of the management, which, within the last year has raised the production of Renfrew and Sherbrooke to such high figures. It may however be affirmed that the average yield of gold to the ton of rock, and also to each miner, is greater in Nova Scotia than in any other auriferous region known.

It may well excite surprise that so little mining has yet been done in Nova Scotia, where gold is known to be spread over an area of not less than 6,000 square miles, and where, notwithstanding the want of skill of the early adventurers, and the lack of capital, such remarkable results have already been obtained. The lodes of this region, which are very regular in structure, have been shewn to preserve their richness to depths of 200 and 300 feet, and from their geological relations there is every reason to believe will continue unchanged to the greatest attainable depths. To this it may be added that the price of labor is moderate, not exceeding \$1.25 a day; fuel, both wood and coal, cheap and abundant; the region healthful, and easily accessible from abroad. When all these things are

taken into consideration, it would appear that no other gold-mining region offers such inducements to the introduction of capital and skilled labor, and that these alone are required to make Nova Scotia one of the great gold-producing regions of the world.

I have the honor to be, Sir,

Your most obedient servant,

T. STERRY HUNT.

APPENDIX I.

STATEMENT shewing the average daily labor employed, the amount of quartz crushed, the yield of gold per ton of quartz, the quantities of gold from alluvial mines, the yield of gold per ton in each district and in the whole province, and the value of the average yield of gold per man employed in mining, for twelve months ending September 30, 1867.

(From the Report for 1867, of Hon. Robert Robertson, Chief Commissioner of Mines for Nova Scotia. Appendix B.: see ante page 35.)

| DISTRICTS.                        | Average men employed. | Crushing mills employed Sept. 30, '67. | Steam power. | Water power. | Tons of quartz, &c., crushed. | Yield per    |                | Total yield of Gold. | Average yield per man for 12 months, at \$18.50 per oz. |
|-----------------------------------|-----------------------|----------------------------------------|--------------|--------------|-------------------------------|--------------|----------------|----------------------|---------------------------------------------------------|
|                                   |                       |                                        |              |              |                               | Ton          | Alluvial Gold. |                      |                                                         |
|                                   |                       |                                        |              |              |                               | —            | —              | —                    |                                                         |
|                                   |                       |                                        |              |              |                               | oz. dwt. gr. | oz. dwt. gr.   | oz. dwt. gr.         |                                                         |
| Stormont (Isaac's Harbor).....    | 45                    | 2                                      | 2            | ...          | 1149                          | 1 5 8        | .....          | 1505 2 11            | \$618 73                                                |
| Wine Harbor.....                  | 33                    | 4                                      | 3            | 1            | 1667                          | 2 13         | .....          | 764 9 9              | 428 60                                                  |
| Sherbrooke .....                  | 99                    | 5                                      | 5            | ...          | 5809                          | 1 9 8        | .....          | 8522 8 11            | 1592 58                                                 |
| Tangier .....                     | 19                    | 4                                      | 2            | 2            | 486                           | 16 7         | 20 6 0         | 395 16 10            | 385 50                                                  |
| Montague .....                    | 19                    | 1                                      | 1            | ...          | 214                           | 1 19 0       | .....          | 417 13 21            | 406 60                                                  |
| Waverley .....                    | 181                   | 5                                      | 4            | 1            | 11239                         | 7 7          | .....          | 4134 18 17           | 422 63                                                  |
| Oldham.....                       | 52                    | 4                                      | 3            | 1            | 860                           | 1 8 7        | .....          | 1359 12 2            | 483 88                                                  |
| Renfrew .....                     | 189                   | 5                                      | 3            | 2            | 7770                          | 1 4 4        | .....          | 9401 2 10            | 895 30                                                  |
| Uniacke .....                     | 30                    | 3                                      | 3            | ...          | 1212                          | 15 15        | .....          | 947 1 17             | 584 00                                                  |
| Unproclaimed and other Districts. | 9                     | 2                                      | 1            | 1            | 117                           | 1 3 4        | 23 15 15       | 135 0 21             | 278 55                                                  |
|                                   | 676                   | 35                                     | 27           | 8            | 30673                         | 17 23        | 49 1 15        | 27583 6 97           | 765 00                                                  |

APPENDIX No. II.

The following numbered clauses are extracted from the present mining law of Nova Scotia, passed May 10, 1864, and include the principal points relating to mines of gold:—

1. The word *mine* in this chapter shall mean any locality in which any vein, stratum or natural bed of coal or of metalliferous ore or rock shall or may be worked.

2. Gold-bearing quartz shall be held to mean all auriferous rock *in situ*.

3. Gold elsewhere than in rock *in situ* shall mean alluvial mines.

\* \* \* \* \*

10. The Governor in Council, on being satisfied of the discovery of gold in any locality, may, by proclamation in the *Royal Gazette*, declare such a locality to be a gold district, and assign limits and boundaries to such district, and from time to time, enlarge, contract, or otherwise alter such limits.

11. Quartz mines shall, so far as local peculiarities or other circumstances may permit, be in general laid off in areas of one hundred and fifty feet along a quartz lode, by two hundred and fifty feet across, which shall hereinafter be known and described as areas of class *Number One*.

12. Areas shall be laid out, as far as possible, uniformly, and in quadrilateral or rectangular shapes. Measurements of areas shall be horizontal, and each area shall be bounded by lines vertical to the horizon.

12. Alluvial mines, not under lease at the time of the passing of this Act, and alluvial mines under lease at such time, but which shall hereafter be surrendered by their lessees, or become forfeited to the Crown, shall be laid out, so far as local peculiarities will allow, as directed in the case of quartz mines, the courses of the respective boundary lines of such mines to be decided by the Chief Commissioner of Mines; and the advance payments, or rents and royalties, shall be the same as quartz mines.

\* \* \* \* \*

17. The advance sum to be paid upon any application made after the passing of this Act, for a gold mine, shall be at the rate of two dollars for each area of class Number One; but nothing herein contained shall prevent the repayment of royalty accruing from the leased premises, or any such advance sum paid in accordance with any former Act of this Province.

18. Applicants for leases of mining areas in private lands, may arrange, by agreement in writing, with the proprietors, for leave to enter, and for easements, and for damage to lands; and in such case the agreement shall be deposited with the Chief Commissioner, or Deputy Commissioner for the District, and the applicant shall thereupon be immediately entitled to his lease, and to enter and mine upon the area applied for.

\* \* \* \* \*

29. All leases shall be for the term of twenty-one years; but the holder of any such lease may, at any time, surrender the same by notice in writing signed by him, and filed in the office of the Chief Commissioner of Mines; but nothing therein contained shall be construed to discharge him from liability in respect of any covenants in the lease, for or in respect of any Act, matter or thing, for which, at the date of such surrender, he was liable under the terms of lease.

30. Such leases may be forfeited on failure to pay the stipulated royalties, other than those arising from quartz crushed at a licensed mill, or to keep employed annually on the demised premises, the number of days' labor hereinafter specified, or to comply with any other of the provisions and stipulations in lease contained.

\* \* \* \* \*

32. There shall be employed annually on the demised premises a number of days' labor, equivalent to one hundred days for every Number One area composed therein. But any lessee, holding ten or more, but less than twenty areas, of class Number One, in any Gold District, will not be required, during the first year of his holding, to keep more than three-fourths of the number of days' labor above required to be performed per area; in like manner, if holding twenty or more, but less than thirty of such areas in the same district, he shall be required to keep employed only one-half, and if holding thirty or more only one-fourth the above required number of days' labor, during such first year.

\* \* \* \* \*

38. The Chief Commissioner of Mines may issue licenses to search for gold, to be called "Prospecting Licenses," which shall be subject to the rules prescribed by this Act.

39. Such Licenses may include any area not exceeding one hundred acres in extent, so as the same shall be laid off in quadrilateral and rectangular figures, and shall not in length exceed double the breadth thereof.

40. Such Licenses shall be in force for any period not exceeding three months from the date thereof.

41. All applications for prospecting licenses shall accurately define by metes and bounds, the lands applied for, and shall be accompanied by a payment at the rate of fifty cents per acre for every acre up to ten acres in extent, and twenty-five cents for every acre in addition to that extent.

\* \* \* \* \*

42. The holder of a prospecting license, who shall have fulfilled all the terms and conditions thereof, shall be entitled to a renewal thereof for a second period of three months, upon like terms, and conditions, except that the price of the same place shall be only half that paid on the previous application.

45. Within the period for which the license, or renewed license, is granted, the party holding the same shall be entitled to select any area or areas, not exceeding one quarter of a mile on the lode, and in breadth five hundred feet, comprised therein in form as described in this chapter, and shall be entitled to a lease of the areas selected upon the terms imposed herein.

\* \* \* \* \*

47. On all leases of gold mines, and prospecting licenses to search for gold, there shall be reserved a royalty of three per cent. upon the gross amount of gold mined.

48. The discoverer of any new mine shall be entitled to a lease for twenty-one years, free from advance payment or royalty, of an area of class Number One, as prescribed by this chapter.

49. No person shall be considered the discoverer of a new quartz mine, unless the place of the alleged discovery shall be distant, if on a known lode, at least three miles from the nearest known mine on the same lode, and if not on a known lode, at least one mile at right angles from the course of the lode; if in alluvial workings, at least two miles distant from any previously discovered mine.

\* \* \* \* \*

55. Each licensed mill-owner shall separate from the yield or produce of gold of each lot or parcel of quartz, as crushed, three parts out of every hundred parts of such yield, as the portion thereto belonging, and payable to Her Majesty as royalty; and shall pay the same in such weekly or other payments as the Chief Commissioner of Mines shall order, into the office of the Chief Commissioner of Mines or his deputy for the district, or otherwise shall pay as aforesaid, the equivalent in money for the same, at the rate of nineteen dollars and fifty cents per ounce troy for smelted gold, and eighteen dollars and fifty cents troy for unsmelted gold.

56. So soon as gold shall be obtained by amalgamation, or otherwise, from any parcel or lot of quartz crushed at any licensed mill, three parts in the hundred of such gold shall forthwith thereafter be and become the property of Her Majesty.

57. In case any licensed mill owner shall fail to pay such three parts on the hundred of gold, or money in lieu thereof, in the mode and at the time prescribed by this chapter, he shall be liable to an action at the suit of the Commissioner of Mines, as for money had and received to his use, for the value of said gold, estimated at nineteen dollars per ounce troy.

\* \* \* \* \*

# THE GOLD REGION OF NOVA SCOTIA.

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# R E T U R N

To an Address of the HOUSE OF COMMONS, dated 16th December, 1867; For a Statement of all Fines imposed and Seizures made in the County of Digby, for breaches of the Revenue Laws, since the first day of July last; such Statement to show also the amount realized from such fines and seizures, and which or how much of said fines were remitted and seizures abandoned, with the reasons for such remissions and abandonments respectively; especially all correspondence between the Government and their agents in Nova Scotia, on the one hand, and the owners of a vessel called the "Union," owned in said County, on the other, relative to the seizure of said vessel and of other property, and the imposition of a fine upon said owners for violating said Revenue Laws; such Statement to shew also the particular breaches of the Law for which such fines and seizures were imposed.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 6th May, 1868.

# R E T U R N

To an Address of the HOUSE OF COMMONS, dated 6th April, 1868; for  
Statement shewing :—

- 1st. The amount of Securities of all descriptions, whether Bonds or Stock, issued by the Dominion of Canada, since the 1st July last; what rate of interest the same bear, the nature of such securities, and the terms and conditions on which they were issued, and where and by whom;
- 2nd. The amount and number of Tenders below par for any such Securities;
- 3rd. The number and amount of Tenders at par;
- 4th. The amount accepted, and at what rates, and the number of allottees;
- 5th. The charges incurred or paid in respect of the negotiation of such loans whether for Commission or Brokerage.

By Command.

**HECTOR L. LANGEVIN,**  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 4th May, 1868.



RETURN to an Address of the House of Commons, dated 6th April, 1868, relating to the Issue of Public Securities, &c., since the 1st July last.

| INFORMATION ASKED FOR.                                                                                                                                                                                                                                                                      | ANSWERS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |             |               |           |  |             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|---------------|-----------|--|-------------|
| <p>The Amount of Securities of all descriptions, whether Bonds or Stock, issued by the Dominion of Canada, since the 1st July last, what rate of Interest the same bear, the nature of such securities, and the terms and conditions on which they were issued, and where and by whom ?</p> | <p>Nova Scotia Bonds, bearing Interest at six per cent. per annum, amounting to £225,000 sterling, have been sold by Messrs. Baring, Brothers &amp; Co. (and assumed by the Dominion), at par, on the terms stated in annexed proposal, "marked A."</p> <p>Canada Dominion Stock sold on terms stated in minute and proposals, viz :—</p> <p>Canada Dominion Stock, issued to the amount of \$1,600,000, under Act 31 Vic., cap. 4, sec. 5, bearing Interest at the rate of six per cent. per annum—subject to terms and conditions defined by the Act, and Rules and Regulations prescribed by the Governor General in Council.—(See papers appended, "marked B and C.")—Issued at Ottawa, by the Receiver General.</p> |              |             |               |           |  |             |
| <p>The amount and number of Tenders below par for any such Securities.</p>                                                                                                                                                                                                                  | <p>For Nova Scotia Bonds, none.<br/>For Dominion Stock, 61 Tenders, for \$735,500.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |             |               |           |  |             |
| <p>The number and amount of Tenders at par.</p>                                                                                                                                                                                                                                             | <p>For Nova Scotia Bonds, 10 Tenders, for £225,000.<br/>For Dominion Stock, 145 Tenders, for \$1,600,000, subsequently subdivided among 183 holders.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |             |               |           |  |             |
| <p>The amount accepted, and at what rates, and the number of Allottees.</p>                                                                                                                                                                                                                 | <p>All Tenders at par accepted. None under. (For amount and number, See previous question.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |             |               |           |  |             |
| <p>The Charges incurred or paid in respect of the negotiation of such loans, whether for Commission or Brokerage.</p>                                                                                                                                                                       | <p>Commission, Charges and Brokerage on Sale, and negotiation of Nova Scotia Bonds..... £5,062 10s.</p> <p style="text-align: right;">equal @ 9½ per cent. = \$24,637 50</p> <p>Commission, Charges and Brokerage on Sale, and negotiation of Dominion Stock.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">In Cash.....</td> <td style="text-align: right;">\$12,500 00</td> </tr> <tr> <td>In Stock.....</td> <td style="text-align: right;">10,000 00</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">\$22,500 00</td> </tr> </table>                                                                                                | In Cash..... | \$12,500 00 | In Stock..... | 10,000 00 |  | \$22,500 00 |
| In Cash.....                                                                                                                                                                                                                                                                                | \$12,500 00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |             |               |           |  |             |
| In Stock.....                                                                                                                                                                                                                                                                               | 10,000 00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |             |               |           |  |             |
|                                                                                                                                                                                                                                                                                             | \$22,500 00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |             |               |           |  |             |

N. B.—In addition to the foregoing it may be mentioned, that Old Provincial Debentures of New Brunswick have been sold, since the 1st July, 1867, amounting to \$20,000, the proceeds being carried to Dominion Account, the Dominion assuming the debt.

T. D. HARINGTON,  
D. R. G.

RECEIVER GENERAL'S DEPARTMENT,  
Ottawa, 1st May, 1868.



(B).

## CANADA DOMINION STOCK

Issue A of \$1,500,000.

1. Tenders in the form annexed will be received up to noon on the 31st day of January, 1868, at the following places:—

At Ottawa—At the Office of the Receiver General.

“ Halifax,  
“ St. John, N.B. , } At the Offices of the Dominion Paymasters.  
“ Quebec,  
“ Montreal, } At the Offices of the Bank of Montreal.  
“ Toronto, }

Tenders in the Provinces of Quebec and Ontario will be forthwith forwarded to the Treasury Board of Ottawa, and will be opened in the presence of the Board.

Tenders in Nova Scotia and New Brunswick will be opened in the presence of the Dominion Paymaster and an Officer of the Financial Agents at the Office of the Dominion Paymaster in those Provinces.

The allotments will be made to the highest bidders, and should the applications exceed the total issue and it become necessary to diminish the allotments to parties tendering at equal rates, a proportionate reduction from each application will be made.

2. Tenders will be received for the sum of one hundred dollars (\$100) or any multiple thereof.

The Government will not bind itself to accept any tender below par.

A deposit of ten per cent. will require to be made within two days after the party tendering is advised that his tender is accepted, and in default thereof his tender will be disregarded. The remaining ninety per cent. must be paid on or before the 2nd day of March, 1868, on penalty of forfeiture of the deposit. All deposits must be made to the credit of the Receiver General, at any Office of the Bank of Montreal where provisional receipts will be given.

3. When any person has deposited the total amount of his Tender to the credit of the Receiver General, and when any person has had stock already subscribed transferred to his name, he may receive a certificate of stock, but such certificates shall not be transferable and surrender thereof may be exacted before any new transfer is allowed.

All stock inscribed at any of the above-named Offices may be transferred to any other of such Offices upon the execution of a transfer in the form which may be prescribed.

Until the currencies of Nova Scotia and the rest of Canada are assimilated, holders of stock inscribed in Nova Scotia desiring to have their stock transferred to Offices in other parts of the Dominion and *vice versa*, will pay or receive a premium equal to the difference in the value of the standard dollars of Nova Scotia and the rest of Canada.

4. Interest will be payable at the rate of six per cent. per annum, half-yearly, on the 31st March and the 30th September, at the Office where the stock is inscribed at those dates. The first interest will be paid on the 30th September next, and will be counted from the date at which the payment in full is made.

5. No transfer will be made in any of stock-books within fifteen days before the days on which interest is payable.

6. The Treasury Board may from time to time determine the forms to be used as certificates of stock, and for the execution of transfers and for changes from one register to another, and they may prescribe the evidence of identity, or of agency, which shall be required before interest is paid or stock transferred, and may from time to time prescribe such other regulations as may be necessary to provide for the transmission of stock, by marriage, insolvency, death or otherwise.

7. The Government will not be bound to see to the execution of any trust to which any stock may be subject, but the receipt for any dividends of the parties, or one of them in whose name the stock may stand, will be held as a sufficient payment,

8. A charge to cover the actual cost of transfer, but which will not exceed 25 cents for every \$500 of stock, will be made on every transfer.

9. The stock will not be redeemable within ten years from the issue thereof, but after

that time it may be redeemed at par, at the option of the Government, on giving six months' notice of redemption.

JOHN ROSE,  
*Minister of Finance and Chairman  
of the Treasury Board.*

Ottawa, January 10th, 1868.

(Form of Application or Tender.)

CANADA DOMINION STOCK.

(Issue A of \$1,500,000.)

I hereby offer to subscribe for \_\_\_\_\_ dollars (\$) of the above Stock at \_\_\_\_\_, on the terms specified in the printed conditions regulating the issue thereof, and undertake to deposit ten per cent. on any amount allotted to me within two days after such allotment, and to pay the balance on or before the 2nd day of March next.

Name

Post Office

(If not in a city, state) County of

Province of

(Date.)

1868.

(Form of Acceptance.)

RECEIVER GENERAL'S OFFICE,  
Ottawa, \_\_\_\_\_, 1868.

SIR,—I have to inform you that your tender for CANADA DOMINION STOCK is accepted, and that \_\_\_\_\_ dollars thereof (\$) are allotted to you at

You are required to pay ten per cent. of the above sum within two days of the receipt of this letter, and the remainder thereof on or before the 2nd day of March, 1868.

You will be pleased to produce this letter at the time of making such payments.

(Signed,)

*Receiver General.*

(C.)

CANADA DOMINION STOCK.

TREASURY MINUTE, 3rd MARCH, 1868.

The Board have had under their consideration, the Instructions to be given for the Inscribing and Transfer of the "*Dominion Stock*," and agree to recommend the following for the approval of His Excellency the Governor General in Council.

(See Instructions following :)

They also recommend that the following Officers of the Bank of Montreal shall act in the meantime as Transfer Clerks and to keep the necessary books, viz :—

E. C. Jones, }  
George Inglis, } Halifax, N. S.

|                  |   |                 |
|------------------|---|-----------------|
| Archd. MacNider, | } | St. John, N. B. |
| W. J. Anderson,  |   |                 |
| P. P. Harris,    | } | Quebec.         |
| P. LeSueur,      |   |                 |
| Henry Vennor,    | } | Montreal.       |
| R. A. Lindsay,   |   |                 |
| G. W. Yarker,    | } | Toronto.        |
| G. H. Wilson,    |   |                 |

And that they keep an account current of, and make a monthly Return to the Receiver General of all Fees charged by them in respect of the Transfer of Stock. (See No. 7.)  
Ottawa, 27th February, 1868.

## DOMINION STOCK.

### Issue A.

#### TREASURY MINUTE.

The Treasury Board prescribe the following RULES for the INSCRIPTION and TRANSFER of the STOCK:—

1st. Books will be kept at the office of the Receiver General, at Ottawa, and at the offices of the Bank of Montreal, at Halifax, St. John, Quebec, Montreal and Toronto, in the forms which have been provided, and the Officers of the Bank specially named will act as Temporary Clerks of the Receiver General for keeping the same.

2nd. Forms of Powers of Attorney for the Transfer of Stock, and for receiving Dividends will be found at all the foregoing offices, the instructions on which must be carefully followed.

3rd. A certificate of Stock, according to the form which has been provided, will be delivered to any person desiring it, when the amount of his Stock is paid up in full—as well as when Transfers are made,—but such certificates shall not be transferable, and the Transfer Clerk, at any of the offices, may, if he thinks the circumstances warrant it, exact the surrender of such first-named Certificate, before the Transfer is allowed.

4th. Transfers as well as Inscriptions will be allowed in future for any amount not less than one hundred dollars, but no interest on any fraction of a dollar will be reckoned.

5th. When it is desired to transfer stock inscribed at any of the above named offices, to any other of such offices, the document shall be executed in Triplicate, one to remain on file in each of the offices to and from which the transfer has been made, and the third to be deposited at the office of the Receiver General. These shall be signed by the officer in charge of the office from which the Stock is transferred, and it shall be stated therein to what date interest was last paid on such Stock, and if no interest has been paid thereon, then the date at which the Stock was inscribed.

6th. The Receiver General will, in every instance, send a notice of transfer on a printed form to be provided, to the principal making it, and keep a record of the day on which notice was sent.

7th. A charge of twenty-five cents on every \$500 of Stock, or fraction thereof, will be payable at the time of transfer, before transfer is allowed, as compensation to the Bank for the clerical services of its officers acting temporarily as transfer clerks under the instructions of the Receiver General.

8th. Interest will be payable at the rate of six per cent. per annum half yearly, on the 31st March and 30th September, at the office where the stock is inscribed, at those dates. The first interest will be paid on the 30th September next, and will be counted from the 1st of March, 1868, provided payment in full has been made previously to that day. For the interest on payment made in full previous to 1st March, 1868, the subscriber will receive a cheque from the Government.

9th. No transfer will be allowed to be made in any of the Stock books within fifteen days before the days on which interest is payable.



# RETURN

To an Address of the HOUSE OF COMMONS, dated 23rd March, 1868; for a Return of the number of Inspectors of Steamboats in the Provinces of Quebec and Ontario respectively; their names, duties and salaries, together with a statement of the number of vessels inspected by each and their tonnage; also of the contingent expenses paid by the Government to the said Inspectors; the whole from the year 1865 to this date.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 8th May, 1868.

## RETURN

To an Address of the HOUSE OF COMMONS, dated 11th May, 1868; For a Return of any Correspondence, whether by letter or otherwise, between the Minister of Finance, and the late Attorney General of Nova Scotia, or any other parties in that Province, during the year 1867, with reference to the improvement of the Harbour of Mabou, in the County of Inverness.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 12th May, 1868.



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# RETURN

To an Address of the SENATE, dated 5th December, 1867; For Statement shewing the Total Expenses of the Judiciary of the Dominion of Canada, so far as the same are chargeable on the Consolidated Revenue Fund, for the quarter next commencing on the 1st July, 1867. What proportion chargeable to Ontario, Quebec, Nova Scotia and New Brunswick respectively; to whom paid, when, in what capacity, for what services, and in what Courts respectively; distinguishing salaries from travelling or other charges. What amount for Pensions, date of commencement of same, names of recipients, where resident, and for what services. What amount of Criminal prosecutions in each of the Provinces; names of recipients as Prosecuting Officers, nature of the offences prosecuted, distinguishing those for which convictions were obtained, with the punishments awarded.

By Command.

HECTOR L. LANGEVIN.

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 30th March, 1868.

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NOTE.—The information with reference to offences, convictions and punishments are in course of being obtained from the respective Local Governments, as it could not be procured from the Federal Departments.

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OTTAWA, 30th March, 1868.

SIR,—I have the honor to transmit, herewith, a Statement of the Total Expenses of the Judiciary of the Dominion of Canada, chargeable on the Consolidated Revenue Fund, for the quarter commencing on 1st July, 1867, &c., in compliance with the Address of the Senate of Canada, of 5th December last.

I am, Sir,

Your obedient servant,

WM. DICKINSON,

*D. I. G.*

E. Parent, Esquire,  
Under Secretary of State,  
Ottawa.



STATEMENT of the Total Expenses of the Judiciary of the Provinces of Quebec and Ontario.—Continued.

PROVINCE OF ONTARIO.—Continued.

| NAMES                           | County.                             | Salary for Quarter. |           | Travelling Allowance. |           | Pensions.  |           | Criminal Prosecutions.                                           |
|---------------------------------|-------------------------------------|---------------------|-----------|-----------------------|-----------|------------|-----------|------------------------------------------------------------------|
|                                 |                                     | \$                  | cts.      | \$                    | cts.      | \$         | cts.      |                                                                  |
| <i>County Court Judges.</i>     |                                     |                     |           |                       |           |            |           |                                                                  |
| S. J. Jones.....                | Brant.....                          | 650                 | 00        | 50                    | 00        |            |           | All these expenses were paid by the Local Government of Ontario. |
| J. J. Kingsmill.....            | Bruce.....                          | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| Chris. Armstrong.....           | Carleton.....                       | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| D. J. Hughes.....               | Elgin.....                          | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| G. W. Leggatt.....              | Essex.....                          | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| W. G. Draper.....               | Frontenac.....                      | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| H. McPherson.....               | Grey.....                           | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| J. G. Stevenson.....            | Haldimand.....                      | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| Thos. Miller.....               | Halton.....                         | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| Hon. Geo. Sherwood.....         | Hastings.....                       | 650                 | 60        | 50                    | 00        |            |           |                                                                  |
| S. Brough.....                  | Huron.....                          | 600                 | 00        | 50                    | 00        |            |           |                                                                  |
| W. B. Wells.....                | Kent.....                           | 550                 | 00        | 50                    | 00        |            |           |                                                                  |
| Chas. Robinson.....             | Lambton.....                        | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| J. G. Malloch.....              | Lanark.....                         | 550                 | 00        | 50                    | 00        |            |           |                                                                  |
| John Deacon.....                | Renfrew.....                        | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| G. Malloch.....                 | Leeds & Grenville                   | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| J. G. Durrowes.....             | Lennox and Ad-<br>dington.....      | 400                 | 00        | 50                    | 00        |            |           |                                                                  |
| S. Lawder.....                  | Lincoln.....                        | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| Hon. J. E. Small.....           | Middlesex.....                      | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| W. Salmon.....                  | Norfolk.....                        | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| G. M. Boswell.....              | Northumberland<br>and Durham ..     | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| Z. Burnham.....                 | Ontario.....                        | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| D. S. McQueen.....              | Oxford.....                         | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| A. F. Scott.....                | Peel.....                           | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| D. H. Lizars.....               | Perth.....                          | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| R. M. Boucher.....              | Peterboro'.....                     | 550                 | 00        | 50                    | 00        |            |           |                                                                  |
| J. Daniell.....                 | Prescott and Rus-<br>sell.....      | 500                 | 00        | 50                    | 00        |            |           |                                                                  |
| D. L. Fairfield.....            | Prince Edward....                   | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| J. R. Gowan.....                | Simcoe.....                         | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| G. S. Jarvis.....               | Stormont, Dundas<br>and Glengarry.. | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| Jas. Smith.....                 | Victoria.....                       | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| W. Miller.....                  | Waterloo.....                       | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| H. W. Price.....                | Welland.....                        | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| A. McDonald.....                | Wellington.....                     | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| A. Logie.....                   | Wentworth.....                      | 660                 | 00        | 50                    | 00        |            |           |                                                                  |
|                                 | York.....                           | 650                 | 00        | 50                    | 00        |            |           |                                                                  |
| <i>Junior Judges.</i>           |                                     |                     |           |                       |           |            |           |                                                                  |
| Geo. McK. Clark.....            | Northumberland<br>and Durham ..     | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| J. F. Pringle.....              | Stormont, Dundas<br>and Glengarry.. | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| Jno. Boyd.....                  | York.....                           | 450                 | 00        | 50                    | 00        |            |           |                                                                  |
| <i>Recorders.</i>               |                                     |                     |           |                       |           |            |           |                                                                  |
| J. E. Start.....                | Hamilton.....                       | 250                 | 00        |                       |           |            |           |                                                                  |
| J. O'Reilly.....                | Kingston.....                       | 250                 | 00        |                       |           |            |           |                                                                  |
| W. Horton.....                  | London.....                         | 250                 | 00        |                       |           |            |           |                                                                  |
| J. B. Lewis.....                | Ottawa.....                         | 250                 | 00        |                       |           |            |           |                                                                  |
| G. Duggan.....                  | Toronto.....                        | 700                 | 00        |                       |           |            |           |                                                                  |
| John Prince, Judge.....         | Algoma.....                         | 500                 | 00        | 50                    | 00        |            |           |                                                                  |
| W. H. Blake, ex-Chancellor..... | Toronto.....                        |                     |           |                       |           | 833        | 33        |                                                                  |
| <b>Total.....</b>               |                                     | <b>\$ 32,950</b>    | <b>00</b> | <b>2,700</b>          | <b>00</b> | <b>833</b> | <b>33</b> | 19th March, 1862.                                                |

RECAPITULATION.

|                         | \$                              | cts.   | \$    | cts.  | \$    | cts.  | \$  | cts. |    |
|-------------------------|---------------------------------|--------|-------|-------|-------|-------|-----|------|----|
| Province of Quebec..... | 20,900                          | 00     | 1,126 | 00    | 1,199 | 99    | 360 | 00   |    |
| Do Ontario.....         | 32,950                          | 00     | 2,700 | 00    | 833   | 33    |     |      |    |
| Do Nova Scotia.....     |                                 |        |       |       |       |       |     |      |    |
| Do New Brunswick.....   |                                 |        |       |       |       |       |     |      |    |
|                         | } See accompanying Statements } |        |       |       |       |       |     |      |    |
| Totals.....             | \$                              | 53,850 | 00    | 3,826 | 00    | 2,033 | 32  | 360  | 00 |

WM. DICKINSON,  
D. I. G.

FINANCE DEPARTMENT,  
Ottawa, 13th December, 1867.

STATEMENT of the Expenses of the Judiciary of the Province of New Brunswick, for the quarter ended 30th September, 1867, as per Return furnished to this Department by the Treasurer of the said Province.

| NAME.                           | Capacity or Service. | Salary for Quarter. |
|---------------------------------|----------------------|---------------------|
| <i>Supreme Court.</i>           |                      | \$ cts.             |
| Honorable J. W. Ritchie.....    | Chief Justice.....   | 700 00              |
| Do Neville Parker.....          | Judge.....           | 500 00              |
| Do L. A. Wilmot.....            | do.....              | 600 00              |
| Do John A. Allen.....           | do.....              | 500 00              |
| Do John W. Weldon.....          | do.....              | 600 00              |
| Travelling allowance.....       |                      | 250 00              |
|                                 |                      | \$3,550 00          |
| <i>County Courts.</i>           |                      |                     |
| Jas. G. Stevens, Esquire.....   | Judge.....           | 500 00              |
| Jas. Steadman, do.....          | do.....              | 500 00              |
| Jas. W. Chandler, do.....       | do.....              | 500 00              |
| Honorable Edward Williston..... | do.....              | 600 00              |
| Chas. Waters.....               | do.....              | 500 00              |
| Travelling Allowance.....       |                      | 250 00              |
|                                 |                      | \$2,750 00          |
| Total.....                      |                      | \$6,300 00          |

(Signed) B. ROBINSON.

ST. JOHN, N.B.

*MEMORANDUM shewing the Expenses of the Judiciary of Canada, and of Pensions paid in the Province of Nova Scotia, for the Quarter commencing 1st July, 1867; and concerning Criminal Prosecutions.*

The total *Judiciary Expenses* for the Quarter above named, were paid in the month of October, as follows:—

1867.

|                                                                                                                          |            |
|--------------------------------------------------------------------------------------------------------------------------|------------|
| Oct. 8th.—Salary for 3 months, ending 30th September, 1867, paid to Hon. J. W. Johnstone, as Judge of Equity Court ..... | \$800 00   |
| “ 10th.—Salary for 3 months, ending 30th September, 1867, paid to Hon. William Young, as Chief Justice.....              | 800 00     |
| “ 11th.—Salary for 3 months, ending September 30th, 1867, paid to Hon. W. F. DesBarres, as Judge of Superior Court.....  | 700 00     |
| “ “ Salary for 3 months, ending 30th September, 1867, paid to Hon. Edwin Dodd, as Judge of Superior Court.....           | 700 00     |
| “ “ Salary for 3 months, ending 30th September, 1867, paid to Hon. W. B. Bliss, as Judge of Superior Court.....          | 812 50     |
| “ 17th.—Salary for 3 months, ending 30th September, 1867, paid to Hon. L. W. Wilkins, as Judge of Superior Court.....    | 700 00     |
|                                                                                                                          | \$4,512 50 |

The amount paid as *Pensions*, for the Quarter above named, was as follows:—

1867.

|                                                                                                          |            |
|----------------------------------------------------------------------------------------------------------|------------|
| Oct. 3rd.—Pension for 3 months, ending 30th September, 1867, paid to order of John Spry Morris, Esq..... | \$300 00   |
| “ “ Pension for 3 months, ending 30th September, 1867, paid to order of W. Q. Sawyers, Esq.....          | 300 00     |
| “ 4th.—Pension for 3 months, ending 30th September, 1867, paid to John G. Marshall, Esq.....             | 300 00     |
| “ 7th.—Pension for 3 months, ending 30th September, 1867, paid to order of H. W. Crawley, Esq.....       | 300 00     |
|                                                                                                          | \$1,200 00 |

*Further particulars concerning the foregoing Memorandum:*

1. John G. Marshall and W. Q. Sawyers, Esqrs, residing in Halifax, Nova Scotia, and Henry W. Crawley, Esq., residing in Sydney, C. B., receive their pensions as being formerly Judges of the Inferior Court; the Act authorizing their Pensions having been passed on the 29th March, 1841, and is intituled, “An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expenses of Judiciary therein.”

2. John Spry Morris, Esq., residing in England. was granted a pension on retiring from the office of Commissioner of Crown Lands of Nova Scotia, when that office was abolished, under Act passed the 31st day of March, 1855.

3. No payment has been made in Nova Scotia by the Dominion Government, for Criminal Prosecutions, during the quarter commencing 1st July, 1867. The sum of \$88 was paid for this service, which was charged to Province of Nova Scotia account arrears.

P. F. KNIGHT,  
*Acting Auditor.*

Finance Department of Canada,  
Halifax, 6th March, 1868.

# REPORT

ON

# THE LINE OF ROUTE

BETWEEN

LAKE SUPERIOR AND THE RED RIVER SETTLEMENT.

By S. J. DAWSON, Esq.,

CIVIL ENGINEER.

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Printed by Order of the House of Commons.

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OTTAWA:  
PRINTED BY HUNTER, ROSE & CO.  
1868.

# RETURN

TO an Address of the HOUSE OF COMMONS, dated 4th May, 1868; For Copies of all Reports since the 1st July, 1867, to the Government of the late Province of Canada, or the Government of Canada, which may have been made by the Surveyors or other officers employed to construct Roads and other works for the purpose of opening communication between the head of Lake Superior and the Red River.

By command.

HECTOR L. LANGEVIN.

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 14th May, 1868.

OTTAWA, 20th April, 1868.

SIR,—I have the honor herewith to submit to your consideration a Report on the Line of Route between Lake Superior and the Red River Settlement, with an Estimate of the cost of opening the communication in the manner therein suggested.

I have the honor to be, Sir,

Your most obedient servant,

(Signed,) S. J. DAWSON,

*Civil Engineer.*

Hon. Wm. McDougall, C. B.,  
Minister of Public Works, &c., &c.  
Ottawa.



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# REPORT

ON

## THE LINE OF ROUTE

BETWEEN

### LAKE SUPERIOR AND THE RED RIVER SETTLEMENT.

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In reporting as to the best means of opening a line of communication between Lake Superior and the Red River Settlement, I beg to be permitted, in the first place, to refer briefly to the operations of the Red River Expedition, carried on for several years, under my direction, as it will, I doubt not, be satisfactory to the Government to know that the suggestions which I have the honor to submit, are not the expression of mere theoretical views, but the result of long continued investigation, under official instructions from the Canadian Government.

The earlier Reports of the Expedition were published by order of the Legislature, but those sent in during the last year of its operations have never been published. The present Report will contain all that is believed to be of immediate importance in these documents; that is, in regard to the subject under consideration.

The following Maps are annexed for convenience of reference:—

1. A Plan, on a scale of two miles to one inch, shewing the country between Thunder Bay and Lac des Mille Lac, Dog Lake line of road, position of dam, &c.
2. A Plan of the Lake Region, on a scale of four miles to one inch, shewing the country between the Height of Land and Fort Frances.
3. A plan on a scale of ten miles to one inch, showing the country between Fort Frances and Fort Garry.
4. A Map, in profile, showing the relative attitude of the Routes by Pigeon River and the Kaministaquia.

Plan No. 3 might be lithographed at small cost, and I think it would be advisable to have it published as it is the correct one of the section which it exhibits.

The Red River Expedition consisted at the outset of three distinct parties, receiving their intructions from three different departments of Government. One of these was under my direction, one under Mr. Napier's, while Mr. Gladman, a retired officer of the Hudson Bay Company, who had the guidance of the Expedition on the journey to Red River, had a separate party of his own.

The parties thus organized set out in July, 1867, and proceeding by the usual canoe route from Fort William, made numerous explorations, determined the levels as they went, and eventually arrived at the Red River Settlement in the fall of the same year.

Mr. Gladman, after a short stay, returned by the way he had come to Toronto, where his connection with the Expedition soon afterwards ceased, while Professor Hind, who I should have mentioned had been attached to the party as geologist, proceeded by way of the Red River over the prairies to St. Paul.

My assistants at this time were Mr. Lindsay A. Russell, Mr. J. F. Gaudet, Mr. Alex. W. Wells and Col. C. de Salaberry. The three first-named gentlemen were surveyors, all of whom are of high standing in their profession, while Col. de Salaberry acted chiefly as Commissary—an important office in a region where provisions were not always very abundant.

The winter of 1857-58 was chiefly occupied in exploring the country between the Lake of the Woods and Red River, a region at that time but little known, and reported to be impassable in summer, on account of swamps which were said to cover the greater por

tion of its area. At the same time, an instrumental survey was made so as to connect Fort Garry with the survey made many years previous by the Boundary Commissioners, under the Treaty of Ghent. This enabled us to establish with accuracy the longitude of Fort Garry, which, on the maps then in use, was set down as much as twenty-one minutes too far to the west.

The party were also able, before the opening of the navigation, to explore Roseau River and make an instrumental survey of the Red River and Lake Winnepeg, between Fort Alexander, at the mouth of the Winnepeg River, and the Boundary Line at Pembina.

Immediately after the opening of navigation, having organized a party of half-breed Indians and procured canoes, we proceeded by way of the Manitoba and Winnepegoos Lakes to the great Saskatchewan River, and examined the rapids and impediments to the navigation between Lac Bourbon and Lake Winnepeg. The levels were determined with care, and the "Track Survey" which we had made of the Lake Coasts, as we proceeded, was corrected as often as possible by observations for latitude and longitude.

Separating our party at the Mossy Portage, the name by which the path between Lake Winnepegoos and Lac Bourbon is called, I sent Mr. Wells to explore Lac Dauphin, and survey the route by way of the Little Saskatchewan and Lake Winnepeg to the mouth of the Red River, appointing the 1st of July following to meet him at the settlement.

Taking with me my assistants, Mr. Gaudet and Mr. de Salaberry, and a few Indians, I ascended Swan River, crossed from thence to Fort Pelly, and descended by the Assiniboine to Fort Garry, having on this excursion obtained much information, as to the soil and climate of a very extensive district, and made such observation as enabled us to delineate its geography with tolerable accuracy.

Throughout the entire period during which our headquarters were at the Red River Settlement, a Meteorological Register was kept, regularly, under the supervision of Mr. Russell, and it has since been of considerable value as, taken in connection with some reliable observations made by others, it has served not a little to dispel the absurd ideas which at one time prevailed in regard to the severity of the climate and the duration of the winters.

On the 4th of July, 1868, our party was once more assembled at the Red River Settlement, and having with some difficulty procured supplies, we set out, with all possible dispatch, for a more thorough exploration of the country between Rainy Lake and Lake Superior. Among the instructions received from the Government at this time were the following:—

"SECRETARY'S OFFICE,  
"Toronto, 16th April, 1858.

"SIR,—Adverting to the last paragraph in my letter to you this day, I have the honor to inform you that it is not thought necessary to make any alterations in the instructions for your future operations, contained in the Order in Council of 29th January last.

"You will therefore consider these instructions, so far as your explorations are concerned, still in force.

"I am to add, however, that if time allows it, you will endeavor to survey the road between Gun Flint Lake and Pointe de Meuron, and when returning from the North-west Corner of the Lake of the Woods and passing through Rainy Lake, make occasional traverses when practicable with a view to ascertain the extent of arable land in that locality.

"I am further directed to state that His Excellency, having every confidence in your judgment, does not think it right to trammel your movements by detailed instructions, and that you are therefore at liberty to make any other explorations in addition to those particularly mentioned in the instructions already conveyed to you, should you, upon the information obtained in the locality, deem it desirable you should do so.

"I have the honor to be, Sir,

"Your obedient servant,  
(Signed,) "T. J. J. LORANGE,  
"Secretary."

"S. J. Dawson, Esq.,  
"Civil Engineer in command,  
"of the Red River Expedition."

From that time forward, for the remainder of the season, and during the winter of 1858-59, our explorations were confined chiefly, I may say exclusively, to the country between Rainy Lake and Lake Superior. Two well appointed parties were kept constantly at work, and sometimes three. Instrumental surveys were carried from Lake Superior, westward, through Dog Lake, Dog River, Lac des Mille Lacs and the Seine, to within a short distance of Rainy Lake. The levels were taken from Jourdain's Rapid to Dog Lake, and from that Lake across, by the line laid out as a road, to Lake Superior.

In the spring of 1859, having learned that a party fitted out by the people of Red River, who at that time took a great deal of interest in promoting the development of the country, had been baffled in an attempt to take horses through to the Lake of the Woods, had in fact got bewildered in swamps, from which they had experienced much difficulty in extricating themselves, and as the impression as to that section of the country being impracticable for roads was thus gaining confirmation, I hastened to the Lake of the Woods, with the most active of my assistants, and proceeding to its western extremity had the good fortune to secure the services of an Indian Chief, who undertook to show the ground on which the country could be crossed.

Leaving my assistants to find their way across with the Chief, I proceeded by way of the Winnipeg to the Red River Settlement, where I had not long to wait for their arrival. They reported that the Chief had led them to a gravelly ridge which extended, with but few breaks, for a long distance across the most swampy parts of the country, and that the remains of Indian encampments shewed that it had been much used as a pathway, in times long past.

A number of men were immediately engaged in the Settlement and sent to open the line which had been traced, in such a way as to render it passable for horses; and over this line *our party rode clear through to the Lake of the Woods, on horseback.*

The line thus opened was used afterwards as a Post road for the conveyance of Mails *on horseback*, and it requires but slight knowledge of engineering to understand that ground, over which horses can be ridden, is not so swampy as to be impracticable for roads.

Returning again to Rainy Lake, we made a more thorough examination of the Lakes, by the old canoe route, than we had previously had an opportunity of doing, and the result led me to the conclusion that, considering the long reaches of navigable water on that route, it could be rendered available, in the first instance, to greater advantage and at less outlay than the line by the Seine, which had been examined and reported on the previous year.

Arriving at Lake Superior, I was joined by my assistant, Mr. Wells, who had spent the whole summer in examining the country about the Height of Land and Lac des Mille Lacs. The fall being now far advanced, the parties were gradually withdrawn, such of them as we had left at the Lake of the Woods returning only in the beginning of November.

To sum up, the explorations and surveys were thus continued, uninterruptedly, for three summers and two full winters. There were generally three well-appointed parties simultaneously at work, in different sections, and, whether at Lake Superior or the Lake of the Woods—the one a swampy and the other a hilly region—they always availed themselves of the aid of the natives, whose occupation of hunting, pursued from youth to age, within particular areas, rendered their local knowledge of the greatest value.

A considerable period of time has now elapsed since the operations of the Red River Expedition were brought to a close, and since that time there has been no further exploration whatever in the country between Lake Superior and the Red River Settlement, so that such of our preliminary Reports as have been published are the only sources of information generally available.

Having thus briefly alluded to the surveys and explorations made by me, or under my direction, I proceed to describe the different sections of the country in detail, pointing out, as concisely as possible, the works and improvements required, and the reasons for adopting particular lines of route or starting points.

For the sake of convenience, in description, the country between Lake Superior and the Red River Settlement may properly be regarded as forming four divisions.

The first, embracing the region to the east of the water-shed, or Height of Land, will be referred to as the "Lake Superior Section."

The next, extending from the Height of Land to Fort Frances, I propose to designate as the "Lake Region."

The navigable reach, extending from Fort Frances to the north-west angle of the Lake of the Woods, will be called the "Lake of the Woods Division."

While that between the north-west angle and the Red River Settlement may not inappropriately be known as the "Fort Garry Section."

### LAKE SUPERIOR SECTION.

The country between the Boundary Line, at Pigeon River, and the head or eastern end of Thunder Bay, was carefully examined with the view of finding a practicable route from Lake Superior to some one of the water systems leading from the Height of Land, westward, to Rainy Lake.

On all the routes, proposed or suggested, I had at various times during the progress of the expedition reported to the Government, so that, here, I need only state the leading advantages or objections which attach, respectively, to each.

#### *The Pigeon River Route.*

The nature of this route and the objections to it will be found pretty fully stated in my preliminary reports, printed by order of the Legislature.—Pages 7 and 27.

The starting point is entirely within the United States territory, and, for a distance of one hundred and fifty miles, the canoe route forms the Boundary Line. But this is far from being the only objection. The ascent from Lake Superior is very rapid and steep, and at the Height of Land, and far to the westward thereof, the route leads over a very high and broken region. The lakes at the summit of the water-shed are 1,058 feet above the level of Lake Superior, and, even at that elevation, are embosomed in rocky hills which rise to the height of several hundreds of feet around them. Moreover, the supply of water is so inadequate as to forbid the idea of improving the navigation, and there is no source from whence a supply can be obtained. The route itself is at the summit of supply, and touches in its course on the head waters of no less than four different rivers.

Between Pigeon River and the Kaministaquia, there are several good harbours on the coast, but from these access to the interior would be exceedingly difficult and could only be provided at enormous outlay.

It was at one time suggested that a practicable line might be found, by which to cross the country from Pointe de Meuron, so as to join the Pigeon River Route to the westward of the Height of Land. This point I was instructed to investigate, and accordingly despatched Mr. L. A. Russell, with a well-appointed party, to explore in the direction which had been indicated. He ran a line from Pointe de Meuron to Gun Flint Lake, a distance of some fifty-four miles, and examined the ground on either side thereof, but his report and field notes shew that the country which he traversed was too rough and impracticable to admit of an available line of communication.

In concluding my notice of this route, I may say that, for a distance of one hundred and thirty miles from Lake Superior, westward, it cannot be made in any way available as a line of water communication, except for small canoes; that the country being for a great part of the distance rugged, mountainous and cut up with lakes, it is next to impracticable for roads, and, finally, that there being a much better route to the eastward, entirely within British territory, there would be no object in attempting to open this line or spending further sums in its exploration.

#### *Kaministaquia Route.*

This is the old canoe route of the North-west and Hudson's Bay Companies. On this line the supply of water is ample, and the elevation of the country at the summit of the water-shed less, by some two hundred feet, than on the Pigeon River Route, while it is at the same time, that is, at the turn of the water-shed, comparatively level and practicable for roads. Dog Lake, a large sheet of water on the Kaministaquia, twenty-four miles inland from Lake Superior, extends for a distance of some twenty miles in a direction nearly parallel to the western coast of Thunder Bay. To the westward of this lake, the principal stream which supplies it with water—Dog River—can be made navigable nearly to the Height

of Land (and it will be so when a dam now in progress of construction is completed) so then, between river and lake, an available reach of some thirty-five miles could be commanded. It became therefore a matter of importance to find access to this navigable reach, and with this end in view, the levels of the Kaministaquia were determined and the country between Dog Lake and Lake Superior explored.

Dog Lake was found to be at an elevation of 718 feet above the level of Lake Superior, and the intervening country proved to be extremely mountainous and rough, while the difficulties by water were of a still more formidable character.

The Kaministaquia, after leaving Dog Lake, runs nearly south to its confluence with Fish River, then eastwardly to Pointe de Meuron and thence north-east to its discharge, making a sweep of sixty miles before it reaches Lake Superior; and as it has in that distance to get down a declivity of 718 feet, its character, in regard to its capacity for navigation, may be easily imagined. It affords, however, an available, although a difficult, route for canoes, but, for large craft, it could only be made navigable at an outlay which no circumstances likely to arise would warrant.

A land road to Dog Lake, therefore, became indispensable, and, after much careful investigation and exploration, an available pass was found and a line laid out, and on this line during the past summer a fair commencement was made and six miles of road, reckoning from Thunder Bay, completed.

The starting point is at a place called the Dépôt, on Thunder Bay, about three miles to the eastward of the mouth of the Kaministaquia, and at this point there is, in my opinion, every facility for constructing wharves and forming a perfectly safe harbour.

The Kaministaquia, itself, has been strongly recommended as a harbour, but, in its present state, it is inaccessible to vessels drawing more than five and a half feet of water, on account of a bar or shoal of great extent at its mouth. Its adoption would involve the dredging of a channel, and the construction of extensive piers or walls of heavy crib work on either side thereof, to prevent it from being filled up by the action of the ice which, at certain seasons, ploughs over the bar. Another consideration, which should not be lost sight of, is that the causes which produced the shoal are still in operation. Quantities of sediment are brought down with every freshet, more especially in the spring, and the dredging would have to be repeated at intervals to keep the channel, once formed, open.

Everything considered, therefore, I would not for the present recommend the Government to undertake the dredging of the Kaministaquia, and the construction of extensive works to keep the channel so formed from filling up. The first great object is to open the communication with Fort Garry; and, when that is accomplished, there will be no lack of means, from private sources, or of enterprise to render the Kaministaquia an accessible harbour. In the meantime, it might seriously affect the enterprise if large sums were to be expended at its very outset on *merely local works*.

Fort William is, however, even at present, accessible to the smaller class of schooners or fishing vessels which navigate Lake Superior. It is, besides, a place of importance as being the centre of such trade as is carried on, and it will gradually become of increased consequence as the mines in the vicinity are developed, and the fertile portion of the valley of the Kaministaquia fills up with settlement. For these reasons, it is expedient to connect it by a branch line with the Dog Lake Road, as shewn on the accompanying plan, and, for this purpose I have included a sum of seven thousand dollars (\$7,000) in the estimate, which I have now the honor to submit.

Before concluding this subject, I would call attention to the fact, that many persons who take a deep interest in that part of the country are under the impression that by going up the Kaministaquia to Pointe de Meuron, or as far as the navigable water extends—a distance of some ten or twelve miles—the length of land road, which would then be required to reach Dog Lake, would be by so much shortened. But this is a mistake. Pointe de Meuron is, in an air line, somewhat further than either Fort William or the Dépôt from Dog Lake, and there would, consequently, be no object in taking cargoes up a narrow channel to a point which brought them no nearer to their destination. The branch line should, therefore, start from Fort William and not from Pointe de Meuron. From the former place, the Dog Lake Road can be reached in six or seven miles, while, from the latter, ten at least would be required, with corresponding increase in the outlay. A glance at the map will shew clearly what I have endeavoured to explain.

It has been objected to the Depôt as a starting point, that it is shelterless and that the ice will tear away any wharves that can be built.

Now, on reference to the map, it will be seen that Thunder Bay is itself a harbour, although of somewhat large dimensions, completely land-locked and sheltered from every wind; any swell, therefore, which can be felt must arise within the bay itself. The huge surges of Lake Superior do not roll into it at all, and it may be regarded, to all practical purposes, in relation to the subject under consideration, as an inland lake. Looking upon it in this light, the starting point at the Depôt is in a bay of moderate depth, completely sheltered from the prevailing winds, which are westerly. A glance at the map will show that it is safe from winds blowing from the west, south-west, north, and north-west, and, I may add, that a wind, blowing from a direction fifteen or twenty points to the east of north, would not affect it. East, or south-easterly winds, alone, would blow in upon the harbor, but the extent of their sweep would be limited to the width of Thunder Bay, and the surge which could arise in that distance may easily be guarded against. That the swell has no great effect in Thunder Bay, at any time, is demonstrated by the fact, that the trees grow clear down almost to the level of the water, indeed, in some places dipping their branches into it. Whereas, in exposed parts of Lake Superior, the wave-lashed shores are destitute of vegetation.

It has been said, moreover, that the ice would carry wharves away, and, as convincing proof of this, a boulder was pointed out to me which had been shoved ashore by the ice. I merely notice this to show the sort of arguments which have been advanced to disparage Thunder Bay and promote the Kaministaquia. If wharves cannot stand in the tranquil waters of a land-locked bay they can stand nowhere, and those who object to them in Thunder Bay, on the score of ice, can have had but little experience of such a river as the St. Lawrence, where wharves are built to resist ice rushing against them in immense fields, with the full force of the spring floods, as is the case at Three Rivers when Lake St. Peter is breaking up.

Among the advantages which the Depôt at Thunder Bay possesses, may be mentioned the facility of approach or departure to sailing vessels, as they would have ample sea-room to beat in or out, which they could not have in a narrow river like the Kaministaquia, with a shoal at its mouth extending a full mile from the coast, and a very important point to be considered is that Thunder Bay, as compared to the Kaministaquia, opens earlier in the spring and remains open later in fall. As an instance of this, it may be remarked that, in the fall of 1866, when the Steamer *Algoma* made her last trip, the Kaministaquia is said to have been frozen over, and that so strongly that the people of Fort William were skating on the ice.

From the Depôt, eastward along the shore of Thunder Bay, the ground for a distance of several miles is practicable for a road, and there are facilities for the construction of wharves, in various places, more especially at a point a little to the eastward of Current River, where there is a small natural harbour, which, by means of piers, might be sufficiently extended.

It was at one time believed that the upper or eastern end of Thunder Bay, affording as it does an excellent natural harbour, would have been a favorable point from which to run a line of road to Dog Lake, but a careful examination shewed such a line to be impracticable, within any reasonable limit of expenditure, on account of the rugged nature of the country over which it would have had to pass. Moreover, to have adopted the head of the bay would have increased the distance to be navigated by some forty miles, that is, including the addition both in Dog Lake and the bay.

Referring, again, to the locality which has been chosen as the starting point at Thunder Bay, it is admirably adapted for the construction of wharves. The water deepens uniformly and gradually from the shore until, at a distance of five hundred feet, it has a depth of three fathoms and a half. Timber suitable for the work is very abundant on the Kaministaquia, whence it could be easily floated down, and on various parts of the shores there is abundance of loose stone for filling the piers, and the fixed rock, close at hand, is of a nature to be easily blasted.

At present, it is proposed merely to sink an isolated pier or breakwater, at which vessels can discharge their loads, doing in fact no more than is necessary to facilitate the landing of material and supplies for the works, leaving it to future consideration whether the wharves shall be extended at the public cost, or left to private enterprise.

I conclude this part of the subject by noticing still another route which has been advocated namely: the

*Nepigon Bay Route.*

Among the many schemes recommended for opening the North-west Territories, the head of this bay has been suggested as a point of departure, chiefly on the ground that it affords an excellent harbour, and that, by its adoption, the distance to be navigated in Lake Superior would be somewhat shortened.

It is not, however, without its objections, and a conclusive one will be found in the fact that it is too far to the eastward of the line which it is proposed to open to render its adoption in any way expedient. It would, in fact, involve at the outset a land road of ninety or a hundred miles to reach the nearest point beyond the water shed, without any compensating advantage. Moreover Nepigon Bay, being completely land-locked, is said to be very late of opening in the spring, and the access to it is reported to be so intricate as to require light-houses and beacons to render it safe. Whereas, Thunder Bay is remarkably easy of access, and has been for many years approached, night and day, without the occurrence of an accident.

I may further state that a road from Nepigon Bay, to connect with the proposed line west of the water-shed, would pass over a region as yet unexplored and only known to be exceedingly mountainous and rough, and, as it would run in a direction transverse to the valleys, more than one mountain range would have to be crossed and several considerable rivers bridged.

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 THE LAKE REGION.

Westward of the Height of Land, on the streams tributary to Rainy Lake, there is a section of country remarkable from the fact that a very considerable portion of its area is occupied by lakes. Those on the various routes which have been followed, are set down on the annexed map, but these give only a faint idea of their number. Every river and rivulet has its lakes. Go in whatever direction he will, the explorer, on passing over a mountain range, is sure to stumble on a lake. The Indians, with their little canoes, seem by means of these lakes to travel in almost any and every direction. So numerous are they that it would be difficult to say whether the country would be better described as one vast lake with ridges of land running through it, or as a land intersected by water. On ascending any of the bare rocky bluffs frequent in the country, mountains are seen stretching away in tumultuous and broken ridges to the horizon, with lakes gleaming from every valley which the eye can reach.

Such a region is but ill adapted for railways, but nature has made up for the deficiency, by providing such means for canals as exist in but few regions of so mountainous a character. Between the hills and mountain ranges, there are long reaches of tranquil water which could be connected together by means of lock and dam, with but little excavation. The country, however, in its present state, is not in a condition to admit of such projects as either railways or canals, but, even if it were, the very primitive and moderate way in which I propose to open the communication would still be necessary, as a preliminary step, to render the different points accessible.

A very marked characteristic of the region is that the streams are not subject to sudden or considerable floods, and this is a feature which the engineer, who was to provide for water works of whatever description, will look upon with unmixed satisfaction.

This very favourable circumstance is due, primarily, to the lakes which serve as reservoirs, rising slowly during freshets and subsiding gradually when they have passed. It is in part produced, also, by the character of the country which is, in general, densely wooded.

The rain fall is excessive, and as a consequence the streams carry a very heavy volume, as compared to the area which they drain.

The lakes are everywhere studded with wooded islands, and so sheltered that the smallest canoes are rarely wind-bound.

The first considerable sheet of water westward of Height of Land, on the route which it is proposed to follow, is

*Lac des Mille Lacs.*

To render this Lake accessible from Dog River, all that is required is a road of ten



miles across the water-shed, between Jourdain's Rapid and the navigable water of the *Savane* River.

This line would pass over very easy ground, presenting no engineering difficulty whatever, except for about two miles near the *Savane* River, where the ground is low and swampy, requiring to be well ditched and fascined.

Two routes have been followed from Lac des Mille Lacs to Rainy Lake; one by its discharge, the River Seine, and the other by the old canoe route. A description of the former will be found in my printed report, pages 28 and 29. Subsequent to the publication of that report, the old canoe route, marked in yellow on the accompanying plan, was more thoroughly surveyed than it had been before.

Either route can be made practicable in the way I have recommended for the Seine, at a moderate outlay, but, after duly weighing their respective advantages, I am satisfied that the old canoe route will be, both as to economy of work in rendering it available, and facility of managing and navigating it afterwards, the best.

#### *The Canoe Route.*

The canoe route, to describe it more particularly, leaves Lac des Mille Lacs at Baril Bay, by a portage of sixteen chains leading to Baril Lake, which is eight miles and a half in length.

This Lake is again left by the Brulé Portage (of twenty-one chains), leading to Windgoostegoon—a series of Lakes, connected by a small stream and having an aggregate length of twelve miles.—The water is in some places shallow, but it can easily be rendered of sufficient depth.

Then comes the Great French Portage of one mile and sixty chains, the descent in that distance being  $99\frac{1}{10}$  feet; succeeding which the Kaogassikok Lake, presents an unbroken reach of fifteen miles, ending at the Pine Portage.

Then follow two portages in close succession—the Pine and the Deux Rivières,—in length, respectively twenty-six and thirty chains, but a road of two miles, to the navigable water leading to Sturgeon Lake, would pass them both and a small pond between them.

Sturgeon Lake with a pond above it, presents sixteen miles of navigable water, but the river below it, for eleven miles downwards to Island Portage, makes a descent of only  $32\frac{5}{10}$  feet; a dam of sufficient height at Island Portage would, therefore, add eleven miles of navigable water to its length, making a reach of full twenty-seven miles.

Island Portage is about thirteen chains in length, with, in its present state, a fall of  $10\frac{6}{10}$  feet. Immediately below it the Sturgeon River is somewhat shallow, but navigable, nevertheless, and, at two miles from the Portage, Nequaquon Lake presents a magnificent expanse, navigable for fifteen miles, making, with the river at its inlet, a reach of seventeen miles.

From the lake just named to the Nameukan Lake, there are three routes. The northern one, by Snake Falls, always followed at low water, is considered dangerous, as may be inferred from its name the "*Maligne*."

The southern, or high water route, is easy of navigation for canoes, the total fall being overcome in three short portages. The third, at present only used with light canoes, avoids all the rapids by a portage of two miles into Nameukan, as shewn on the plan, overcoming in that distance a descent of about seventy-two feet.

Then follows a traverse of ten miles, through Nameukan Lake, to the Bare Portage, which is but eleven chains in length, with a fall of  $8\frac{5}{10}$  feet to Rainy Lake.

The following table shews the distances, with the fall, at each carrying place, in a more concise form :—

TABLE shewing Portages and Navigable Reaches between Height of Land and Fort Frances.

| PORTAGES.                                                    | Land Carriage |        | Difference Level,<br>in feet | Navigable Reaches.                                       | Miles Navigable. |
|--------------------------------------------------------------|---------------|--------|------------------------------|----------------------------------------------------------|------------------|
|                                                              | Miles.        | Chains |                              |                                                          |                  |
| .....                                                        |               |        |                              | <i>Savane River and Lac des Mille Laes Baril Portage</i> | 42<br>8½         |
| Baril Portage.....                                           |               | 16     | +1.86                        | Baril Lake.....                                          | 12               |
| Brulé Portage.....                                           |               | 21     | -47.02                       | Windegoostegoon Lakes...                                 |                  |
| Descent in Windegoostegoon lakelets and stream.....          |               |        | -9.50                        |                                                          |                  |
| French Portage.....                                          | 1             | 60     | -99.71                       | Little French Lake and Kaogassikok Lake.....             | 15               |
| Pine and Deux Rivières Portages.....                         | 2             |        | 124.12                       | Sturgeon Lake and River..                                | 27               |
| Island Portage and Fall, Sturgeon River .....                |               | 13     | { 10.06<br>32.50             | { Nequaquon Lake.....                                    | 17               |
| Portage between Nequaquon Lake and Nameu-<br>kan Lake.....   | 2             |        | 72.00                        | Nameukan Lake.....                                       | 10               |
| Bare Portage.....                                            |               | 11     | 8.55                         | Rainy Lake and River....                                 | 46               |
| Land Carriage.....                                           | 6             | 41     | 403.46                       | Navigable.....                                           | 177½             |
| Off ↑.....                                                   |               |        | 1.86                         | Land Carriage.....                                       | 6½               |
| Diff level between Lac des Mille Laes and<br>Rainy Lake..... |               |        | 401.60                       | .....                                                    | 184              |

Thus, between the head of the *Savane River* and Fort Frances, the extent of navigable water would be one hundred and seventy-seven and a half miles, in eight reaches, divided by seven portages, the latter having an aggregate length of six miles and forty-one chains; in round numbers, six miles and a half. At a very little outlay, however, over what I am about to propose, the navigable reaches could be somewhat extended and the number of carrying places reduced to five.

For example, the difference in level between Lac des Mille Laes and Baril Lake is hardly two feet, the latter being by so much the highest. If, therefore, Lac des Mille Laes were raised by means of a dam to the level of Baril Lake, and a cut made between the two, eight miles and a half would be added to the navigable reach of Mille Laes, and one portage done away with.

In like manner, the difference in level between Nameukan and Rainy Lakes is but  $8\frac{5}{100}$  feet, which might be overcome by a wooden lock, thus adding some ten miles to the navigable water of Rainy Lake, and avoiding another trans-shipment. There would then remain only five portages, in a distance of one hundred and eighty-four miles—One hundred and seventy-seven and a half miles being by water and a little over six by land—On three of the portages, averaging about two miles each, horses or oxen would have to be maintained, while, on the remaining two, namely: Brulé and Island Portages, being respectively but twenty-one and thirteen chains in length, wooden-ways might be so constructed as to admit of hand-cars being drawn over them with facility. I point this out, but would not recommend for the present, either a cut at Baril Lake or a lock to connect Nameukan and Rainy Lake.

The following are the works which I consider of the most pressing and immediate importance in this division:—

*Dam at Little Falls, Rivière La Seine.*

A dam at this point, if of sufficient height, say forty-two feet, would have the effect of raising the water of Lac des Mille Laes to a level equal with, or a little higher than Baril Lake, the latter being  $1\frac{86}{100}$  feet above the level of Mille Laes, so that, by a mere cut, the two could be connected, and, in the event of more extensive works being undertaken

at some future period, it would be no small matter to have the water of Mille Lacs at command, for, until after passing French Portage, the supply of water on the canoe route, although ample for the works now proposed, is not sufficient for the more extensive improvements which will doubtless be required in the future.

Among the further advantages of this dam would be the additional depth which it would give over an extensive shoal just at the mouth of the *Savane* River.

Moreover, in the event of a land road all the way between Lac des Mille Lacs and Rainy Lake becoming necessary, a dam at the Little Falls would extend the navigable water of Mille Lacs to within a distance of seventy miles of Rainy Lake. The construction of such a road has been strongly urged by various parties who have manifested a deep interest in opening the communication, chiefly under the idea that it would greatly expedite the conveyance of mails.

It must be borne in mind, however, that taking into account the character of the country, seventy miles of road, while in such way as to be really useful, in a region so remote, would cost not less than one hundred and twenty thousand dollars. It is, therefore, a matter for consideration whether for the present the less expensive way would not be the best, and whether if such a sum, instead of being applied to making a road, were expended on the construction of locks to extend the navigable reaches, it would not have a better effect, even as regards the transport of mails, inasmuch as steamers might then be placed to advantage on reaches now too short to admit of their being used.

The situation at the Little Falls is admirably adapted for a dam, the river at that point passing through a cut in the rock with high rocky banks on either side. To have the desired effect of raising the water of Lac des Mille Lacs to the extent of about three feet over its present level, the dam would require to be forty-two feet in height. From a rough estimate made by me when on the ground, I have set down its cost at twenty thousand dollars. If, however, the mere raising of Lac des Mille Lacs were the only object in view, it could be attained by a much less costly structure at its immediate outlet.

Taking the works proposed in their regular order from Lac des Mille Lacs to Rainy Lake, the improvement next required would be at—

#### *Baril Portage.*

This is the portage or carrying place, between Lac des Mille Lacs and Baril Lake, in length sixteen chains. For the present it is merely proposed to improve the portage and place a tramway upon it for hand cars. Baril Lake is, as stated, 1  $\frac{86}{100}$  feet above the level of Mille Lacs, and, when the latter is raised by means of the dam proposed, a cut might easily be made to connect the two lakes and do away with the portage, as already stated.

#### *Brulé Portage.*

Here, also, it is proposed to place a tramway. The present length of the portage is twenty-one chains, but the brook forming the discharge of Baril Lake can be so improved as to reduce the distance to ten chains. The difference of level between the water of Baril Lake and the lower end of the portage is 47  $\frac{2}{100}$  feet.

#### *Dam at head of French Portage.*

The effect of this dam would be to raise the water of the Windegoostegoon Lakes, which is in some places shallow, and do away with a little rapid where there is a fall of three feet. The channel, where the dam is to be built, is of solid rock, eighty feet in width, with rocky banks on both sides. The structure would be an ordinary flat dam, built of unhewn timber and covered in front with timber hewn to six inches, raised to the height of twelve feet, with a flood gate fifteen feet in width, provided with stop logs and the means of raising them, in the same manner as at the head gates of a slide. A work of this extent would cost in ordinary circumstances about twelve hundred dollars, but considering the remoteness of the situation and the cost of getting men, supplies, etc., I have set it down at sixteen hundred dollars.

#### *French Portage.*

This carrying place is one mile and sixty chains in length and the fall from its eastern

end to the Little Lake at its western extremity  $90,700$  feet, a difference of level which forbids any attempt to encounter the river for the present. There is nothing for it, therefore, but a road, and for this the ground, although somewhat hilly, is not unfavorable. French Portage is succeeded by a navigable reach of fifteen miles, embracing Kaogaskok Lake and ending at Pine Portage.

*Pine Portage and Deux Rivières Portages.*

These two portages may be considered as one, and have to be passed by a land road of two miles as at French Portage, as the river could only be rendered available at an outlay which must form a subject for consideration in the future, the fall being  $124,100$  feet. At present, a land road of the required distance (two miles) can be made over ground somewhat rough, but on the whole favorable. This road would end at the navigable water leading to Sturgeon Lake and the next work required would be the

*Dam at Island Portage.*

This is one of the most important works on the whole line of route, as its construction would give an unbroken reach of twenty-seven miles of navigable water, through the very roughest section of the Lake Region. Sturgeon Lake, which would form a link in this stretch, is sixteen miles in length, navigable throughout. From its discharge to Island Portage, the distance is eleven miles, and the aggregate fall  $32,500$  feet. The carrying place is on an island just at the brow of a fall of ten feet. Sturgeon River is at this point, three hundred and thirty feet wide, with a bottom of solid rock, and rocky banks on either side rising with a moderate ascent. Here it is proposed to construct a flat dam of the simplest form, but, at the same time, the strongest, and, in this instance, I see no object in going to the expense of making flood gates. The height of the dam would be not less than thirty five feet. The quantity of timber used in its construction will reach eighty thousand lineal feet, and timber of the finest description, both red and white pine, is available; but, considering the remoteness of the locality, its cost, built into the work, cannot be reckoned at less than seventeen cents per foot, equal to fourteen thousand four hundred dollars, add to which for filling, &c., three thousand six hundred dollars, making eighteen thousand dollars as set down in the estimate.

*Dams at Nequaquon.*

Immediately below Island Portage, Sturgeon River is shallow, but deepens, gradually, till, at a distance of some two miles, it opens out in Nequaquon Lake. The main or northern outlet of this lake is over a rocky bottom, and, across this, I propose to run a low flat dam, so as to give a sufficiency of water below Island Portage, at the shoals just mentioned. The southern outlet is smaller but would also require a dam, and for these works I have included in the estimate a sum of four thousand dollars.

*Portage between Nequaquon and Nameukan.*

This Portage leads from the smooth water, at the western end of Nequaquon Lake, to a bay of the Nameukan Lake—its length is two miles and the descent from one lake to the other about seventy two feet. The ground is rough and difficult, but in the estimate I have included it with the other portages, and taken a general average for the whole. From this Portage a reach of ten miles of navigable water ends at

*Bare Portage.*

This is the last carrying place to Rainy Lake. The descent is  $8,550$  feet, and the length of the portage—eleven chains—can be much reduced by a little excavation.

LAKE OF THE WOODS DIVISION.

This comprises the navigable reach extending from Fort Frances to the northwest angle of the Lake of the Woods, a distance of one hundred and twenty miles.

At Fort Frances, there is a complete and sudden change in the appearance of the coun-

try, and an evident improvement in the climate. The ever recurring rocks and hills of the lake region disappear, and, in contrast to these, are commodious buildings, a farm of some extent, and cattle grazing in the fields, with a broad river sweeping westward between banks of deep alluvial soil.

Rainy River is, here, a stream of great volume, nearly a quarter of a mile in width. The Falls ( $22\frac{8}{10}\%$  feet in height) are just opposite the Fort, and from this point to the northwest angle of the Lake of the Woods (a distance of one hundred and twenty miles, as stated), the navigation is uninterrupted.

There are, however, two little rapids on Rainy River, the Manitou and the Long Rapids, occurring about half way to the Lake of the Woods, as set down on the accompanying map. The first, with a fall of  $2\frac{5}{10}\%$  feet, has great depth of water, and could easily be stemmed by a steamer of moderate power. The Long Rapid may have a fall of  $3\frac{1}{2}$  to 4 feet distributed over a distance of some thirty chains. In this rapid the water glides smoothly, but is in some places shallow. I think, however, that, even at the lowest stage of water, a vessel drawing four feet could pass. In any case, the bottom is of a nature to be easily deepened, if required. The strength of the current presents no serious obstacle, as canoes can be paddled up, requiring the use of the setting poles at only two points. At the Manitou the tow line has, generally, to be used.

Any impediment in these rapids, therefore, would be so easily overcome, that it is hardly worth estimating, and, to all practical purposes, the navigation in this long reach may be regarded as uninterrupted.

In my preliminary report, as already said, before the latter explorations were made, in the country westward of the Lake of the Woods, Lac Plat was suggested as the starting point of a road to Fort Garry, chiefly because it was supposed to be the point which would involve the making of the smallest extent of road. The western extremity of Lac Plat, is however, one hundred and fifty-eight miles from Fort Frances, while the northwest angle, which is now adopted as the starting point, is but one hundred and twenty miles; a saving of thirty-eight miles is thus effected in navigating the Lake of the Woods.

Before concluding this part of the subject, I would draw attention to the fact that two locks at Fort Frances, where the fall is  $22\frac{8}{10}\%$  feet, would have the effect of adding Rainy Lake to the navigable reach which I have just been describing, giving one hundred and sixty-six miles without a transshipment.

### FORT GARRY SECTION.

As already explained, a good deal of difficulty was experienced in finding a line practicable for a road, by which to get through the marshy region intervening between the Lake of the Woods and the prairie eastward of the Red River Settlement.

This section of country presents to the eye, in its general character, the appearance of an undeviating flat. From the Lake of the Woods, for a distance of twenty-five or thirty miles westward, swamps of great extent, covered with moss and stunted evergreens, are of frequent occurrence. In other sections, considerable areas are occupied by marshes or shallow lakes, bul-rushes and other aquatic plants standing out of the water. In the latter cases, the bottom, after a certain depth is attained, is generally firm, while, in the swamps, in some instances, the surface covering is itself afloat, and heaves and undulates beneath the feet, presenting a quagmire or peat bog, on an extensive scale. This description applies more particularly to the section nearest to the Lake of the Woods. On approaching the prairie, the swamps are less extensive and the ground in general more favorable. In the swampy sections, however, there are some areas of dry ground and good soil, and, where the bogs are deepest, they are intersected by low gravelly ridges which rise but a few feet over the general level. These ridges are firm, and their direction can be traced by the heavy growth of wood which they carry. Flat and level as the country appears to be, it is susceptible of being drained. The section most swampy, although but slightly higher than the Lake of the Woods, is at an elevation of over three hundred feet above the valley of Red River, and, wherever a run of water is met with, except in the lake-like swamps, it is seen gliding on with a speed which indicates a sufficient fall for drainage.

The principal streams in the region are the Broken Head River, the White Mouth River, and the Roseau or River of Roses.

The latter takes its rises in the United States Territory and runs westward, at a short distance from, and nearly parallel to, the Boundary Line, till it joins the Red River, a little to the north of Pembina. This stream forms a link in the ancient war-path of the Saulteux Indians to the country of their enemies—the Sioux. The Broken Head runs north to Lake Winnepeg, while the White Mouth falls into the Winnepeg River, just above the Seven Portages. The section which I have just been describing, except in the swamps and marshes, is densely wooded. Westward of this is the Prairie, having a depth of thirty miles to the eastward of Red River. This Prairie does not meet the wooded region, as might be supposed, gradually merging from prairie to woodland, but abruptly and at once. It seems to be an ancient lake bottom, still nearly as level as a lake, and generally without wood. Bordering on this is the wooded region, with points stretching into the plain, like the headlands of a lake. Just where the prairie and woodland meet, there are, in some places, banks of gravel which will eventually become of importance, as material for forming roadways over the soft and yielding soil of the plains.

From Fort Garry to the north-west angle of the Lake of the Woods, a road line has been laid out, and its practicability proved by the fact that, for several years, it was used as a post road and the mails carried over it on horseback. Wheeled vehicles, except in very wet weather, can already travel over the Prairie, and, taking the line altogether, its average cost, to form a first class country road, will be rather under than over the general average of such works.

To describe it more particularly, starting from the north-west angle of the Lake of the Woods, the ground, for a distance of fifteen miles is low and swampy, requiring deep and extensive cuts for draining, added to which the roadway for several miles, will require to be fascined—no large bridges on this section.

Proceeding westward, there is a marked improvement in the next ten miles, but the ground is very swampy. Material for fascining and bridging abounds, and two small bridges have to be made, on tributaries of the White Mouth River. Taking the above as one section of twenty-five miles reckoning from the Lake of the Woods, I set its average cost at sixteen hundred dollars per mile, equal to forty thousand dollars; still proceeding westward for thirty-five miles (which may be regarded as one section) the ground is much improved in character. For some four or five miles, near the White Mouth River, nothing better could be desired. Then follows a series of low gravelly ridges, over many portions of which little more has to be done than to grub out the trees. An occasional intrusion from an adjoining swamp has to be fascined, and bridges will be required over the Broken Head and White Mouth Rivers. For this section, I have set down one thousand dollars per mile, in all thirty-five thousand dollars.

The next section is over low prairie embracing a distance of about thirty miles, from a place where there are a few Indian huts, called "Oak Point Settlement," to Fort Garry. For this section, I have set down four hundred dollars per mile, which may appear to be a low estimate for a road, but all that can be done for it, without going to a very great outlay, is to drain it thoroughly, and, if this were done, it would be as good as the roads at Red River generally are. A road on a prairie has this advantage, that when the turf cuts and the wheels begin to sink in one track, another is always available, the width being quite unlimited.

To render the section under consideration practicable in this way, one deep ditch is necessary, with a little fascining and raising of the roadway in the lower parts. Lateral cuts, of considerable length, will have to be made to drain the water from the main trench. All which can be accomplished at an average cost of four hundred dollars per mile, making in all, twelve thousand dollars for the Prairie Section.

*Total Length of Route by Land and Water.*

|                                                 | Land Miles. | Chains.   | Water Miles. |
|-------------------------------------------------|-------------|-----------|--------------|
| Dog Lake Road.....                              | 25          |           |              |
| Dog Lake and River.....                         |             |           | 35           |
| Height of Land Portage.....                     | 10          |           |              |
| Lac des Mille Lacs and <i>Savane</i> River..... |             |           | 42           |
| Baril Portage.....                              |             | 16        |              |
| Baril Lake.....                                 |             |           | 8½           |
| Brulé Portage.....                              |             | 21        |              |
| Windegoostegoon.....                            |             |           | 12           |
| French Portage.....                             | 2           |           |              |
| Kagassikok.....                                 |             |           | 15           |
| Deux Rivières.....                              | 2           |           |              |
| Sturgeon Lake.....                              |             |           | 27           |
| Island Portage.....                             |             | 13        |              |
| Nequaquon.....                                  |             |           | 17           |
| Nequaquon Portage.....                          | 2           |           |              |
| Nameukan Lake.....                              |             |           | 10           |
| Bare Portage.....                               |             | 11        |              |
| Rainy Lake.....                                 |             |           | 46           |
| Fort Frances.....                               |             | 10        |              |
| Rainy River and Lake of the Woods.....          |             |           | 120          |
| Fort Garry.....                                 | 90          |           |              |
|                                                 | <u>131</u>  | <u>71</u> | <u>332½</u>  |
|                                                 |             |           | <u>131</u>   |
|                                                 |             |           | <u>463½</u>  |

## ESTIMATE.

The probable cost of opening the communication, in the way I have proposed, from Jourdain's Rapid, at the head of the navigable water on Dog River, to Fort Garry, would be as follows:—

*Lake Region.*

|                                                                                                     |                    |
|-----------------------------------------------------------------------------------------------------|--------------------|
| Roads and improvements at Height of Land, between Dog River and Lac des Mille Lacs.....             | \$11,000 00        |
| Dam, with flood-gates, at eastern end Great French Portage...                                       | 1,600 00           |
| Dam, thirty-five feet high, across Sturgeon River, at Island Portage.....                           | 18,000 00          |
| Two low flat dams, at Nequaquon Lake.....                                                           | 4,000 00           |
| Dam, at Little Falls (Two Falls Portage on the River Seine).                                        | 20,000 00          |
| Six and a half miles road and tramway over portages, between Lac des Mille Lacs and Rainy Lake..... | 10,400 00          |
|                                                                                                     | <u>\$65,000 00</u> |

*Land Roads (Fort Garry Section).*

|                                                                                                                                                                      |                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Ninety miles land road, between north-west angle of the Lake of the Woods and Fort Gary, would cost for twenty-five miles, Eastern Section, at \$1,600 per mile..... | \$40,000 00         |
| Thirty-five miles, Middle Section, at \$1,000 per mile.....                                                                                                          | 35,000 00           |
| Thirty miles, Western Section, over low prairie at \$400 per mile.....                                                                                               | 12,000 00           |
|                                                                                                                                                                      | <u>87,000 00</u>    |
|                                                                                                                                                                      | <u>\$152,000 00</u> |

*Other Works (Lake Superior Section).*

|                                                                        |          |                     |
|------------------------------------------------------------------------|----------|---------------------|
| A pier required at the Depôt, Thunder Bay, Lake Superior.....          | 2,500 00 |                     |
| Seven miles land road, to connect Fort William with Dog Lake Line..... | 7,000 00 |                     |
|                                                                        |          | 9,500 00            |
|                                                                        |          | \$161,500 00        |
| Superintendence and contingencies.....                                 |          | 5,000 00            |
|                                                                        |          | <u>\$166,500 00</u> |

The above does not include such of the works, in the Lake Superior section, as were provided for in the grant of fifty-five thousand nine hundred dollars made last year, except a road [at the Height of Land, which is allowed for in the present estimate. This was necessary, inasmuch as the total grant of last year will be required to complete the road to Dog Lake, and finish the dam, which latter was found to involve a little more work than was anticipated, on account of the necessity which has arisen of running an additional dam, along a rocky ridge of low ground, south of the outlet of Dog Lake.

PROBABLE TRAFFIC.

Within the last few years, since the North-west Territories have begun to attract so much attention, many schemes have been advanced and many suggestions made, as to the best means of opening the communication. Without going, for the present, into the merits of these schemes, I would draw attention to the fact that the country between Lake Superior and the Red River Settlement is a wilderness, as yet in a state of nature; that except to the canoe of the Indian, or the voyager, it is quite inaccessible in its present state, and that until some way of getting through it is devised, there can be no means of taking even the initiatory steps in the construction of works of great magnitude, such as railways or canals. A line of communication such as I have proposed would render the country accessible, and, when it is completed, it will be time enough to entertain greater projects.

But, while taking this view of its utility, I must also draw attention to the fact that the opening of the communication, even in this simple way, would have the immediate effect of drawing the trade of the North-west Territories to Canada.

The people of Red River, at present, purchase their goods at St. Paul, and take them from thence full six hundred miles, *overland*, to the Settlement; sometimes, indeed, there is a small steamer which runs on Red River during high water, but, as a general rule, the goods which the settlers require are carted all the way through, and the cost of freight is generally reckoned at from four and a half to five dollars per 100 lbs.

Now, from an estimate which I have made, I feel confident that if the communication were opened, even in the primitive way suggested, the cost of transport from Lake Superior to the Red River Settlement would not exceed \$1.75 per 100 lbs., but, supposing that it should cost as much as two dollars, it would still be less, by over one-half, than the cost of freight from St. Paul, and, when the vastly cheaper rate at which goods can be purchased in Canada, as compared to Minnesota, is considered, it is but reasonable to suppose that the trade must come this way.

I have only alluded, so far, to the trade of the Settlement, or rather of the settlers, apart from that of the Hudson's Bay Company, but I think the latter might be looked for, also; for the able officers who manage that ancient and honorable corporation, as soon as they saw that they could get their supplies cheaper by Lake Superior than by Hudson Bay, or St. Paul, would at once adopt the route. It is clear, therefore, that by opening the communication in the manner proposed, a trade, amounting to several millions of dollars annually would be at once transferred to Canada. Even as a matter of speculation, without reference to political considerations, or the vast field which would be opened to colonization, it would be a safe enterprise to open the line.



It is a circumstance of no small importance, in recommending the expenditure of money on a public work, to be able to show that, when completed, it will at once begin to yield a return. In the present instance, the return would not, of course, be in the shape of tolls on the works but in the way of increasing trade, and consequently increasing revenue, the laying open of extensive tracts of fertile territory for settlement, and the development of a district now known to be rich in mineral resources,

The State of Minnesota has of late been doing a good deal to facilitate intercourse and trade with the Red River Settlement. During the summer now approaching, a tri-weekly line of stages will be established, mails will be delivered every second day, and the people, cut off from Canada, will naturally draw closer to the only neighbors with whom they can hold intercourse, and, if this state of things continue long, they must become a community of the United States rather than a British Colony.

Now, it is evident that if the trade of the North-west Territories is of value to Minnesota, it ought to be of some importance to Canada, and, if the people of a new state see advantage in taxing their scanty resources, to make roads and keep up lines of stages to attract that trade, *overland*, surely the Dominion with much greater facilities and more ample resources might do a little to obtain it, when nearly two-thirds of the distance would be by navigable water.

THE MEANS OF TRANSPORT.

When the traffic of the Red River Settlement and the North-west Territories has once fairly begun to take the route by Lake Superior, private enterprise will soon fall upon the means by which transport can be most easily effected.

*Land Carriage.*

In the meantime, I may suggest the mode which, in the first instance, must be resorted to. At Lake Superior, of course, when the communication is once completely opened there will, no doubt, be ample competition for the conveyance of articles over the road to Dog Lake, as there probably will be at the Height of Land Portage also.

At three of the portages in the interior, however, namely, the French, Deux Rivières and Nequaquon Portages, averaging two miles each, horses and oxen will have to be maintained for a time. At the Baril, Brulé, Island and Bare Portages, tramways will be arranged for hand cars, the latter being short.

Between the North-west angle of the Lake of the Woods and Fort Garry, no provision would have to be made, as the means of conveyance are abundant at the Red River Settlement.

*Water Carriage.*

On the shorter reaches, boats, such as the Hudson's Bay Company use in the transport of goods from York Factory to the Red River Settlement, would be the best. They carry about ten tons, and easily drawn over a portage. Such boats would answer well between Lac des Mille Lacs and Fort Frances: Once the communication was fairly established, a relay of boats might be kept on each reach, and then much larger vessels might be employed.

In the longer reaches, steamers might be used to advantage, and would probably—most certainly, if the traffic became extensive—be more economical than boats.

There would be in all five reaches in which I think it would be desirable to have small steamers, namely :—

|                                          |                     |
|------------------------------------------|---------------------|
| On Dog Lake and River.....               | 35 miles navigable. |
| Savane River and Lac des Mille Lacs..... | 42 “                |
| Sturgeon Lake and River.....             | 27 “                |
| Rainy Lake.....                          | 46 “                |
| Fort Frances to North-west Angle.....    | 120 “               |

270 miles.

Thus in five reaches, amounting in the aggregate to two hundred and seventy miles, the shortest of which would be twenty-seven miles in length, small steamers, of a cheap class,

might be used to advantage. Gradually, as improvement advanced, the reaches might be connected together by means of locks, and then, of course, larger vessels would come into play.

In the five shorter navigable reaches of the "Lake Region," boats such as I have suggested, or indeed scows or boats of any kind, might be used, as, for instance, in

|                     |           |
|---------------------|-----------|
| Baril Lake.....     | 8½ miles. |
| Windgoostogoon..... | 12 "      |
| Kaogassikok.....    | 15 "      |
| Nequaquon Lake..... | 17 "      |
| Nameukan.....       | 10 "      |

62½ miles.

Five reaches, giving sixty two miles and a half for ordinary row-boats and scows.

#### Cost of Freight.

With these arrangements on the carrying places and navigable reaches, the cost of freight would be nearly as follows:—

|                                                                                                                |           |
|----------------------------------------------------------------------------------------------------------------|-----------|
| 25 miles land carriage, to Dog Lake.....                                                                       | 25 cents. |
| 35 miles water carriage, through Dog River and Lake.....                                                       | 8 "       |
| 10 miles land carriage, Height of Land.....                                                                    | 12 "      |
| 184 miles, to Fort Frances, land and water.....                                                                | 60 "      |
| 120 miles, Fort Frances, to Lake of Woods in steamers or barges<br>carrying say fifty to one hundred tons..... | 8 "       |
| 90 miles, North-West Angle to Fort Garry, by land.....                                                         | 80 "      |

464 miles, \$1 93 "

or say even two dollars per 100 lbs.

This would be less than half the cost of freight from St. Paul, which is \$4.50 per 100 lbs., and, sometimes, five dollars.

I have set down the cost of transport purposely high, although in some places it may appear low; for example, between the North-west Angle and Fort Garry, I have put down eighty cents per one hundred pounds, as the cost, in a distance of ninety miles. In estimating the accuracy of this, it must, in the first place, be considered that horses and carts are abundant at Red River. Horses are very numerous and there is but little employment for them, and the people make their own carts and harness, which although very serviceable, are very cheap; they besides bring articles six hundred miles from St. Paul for \$4.50 per 100 pounds, which would be but equal to sixty-seven and a half cents on ninety miles, and I have set down eighty cents, a fair allowance in any country. Even in Lower Canada, on the St. Maurice, where there is a good deal of competition in winter, loads can be sent one hundred and twenty miles into the interior for from seventy-five to eighty cents per 100 pounds, and, between Three Rivers and Montreal, a distance of just ninety miles, sixty cents, per 100 pounds, would be considered, at Three Rivers, a high rate.

In the long navigable reach of one hundred and twenty miles, between the North-west Angle and Port Frances, I have put eight cents per 100 pounds, equal to \$1.60 per ton of 2000 pounds, one dollar per ton would be ample, as large vessels can be used.

In the reach of broken navigation, of one hundred and eighty-four miles, between the *Savane* or Height of Land Portage and Fort Frances, I have put sixty cents per 100 pounds, equal to twelve dollars per ton of 2,000 pounds. Now five men with a boat carrying five tons, can go in five days from the *Savane* to Fort Frances, and return in four days, taking the same boat with them all the way. Allowing one dollar per day for each man, their expenses would be, for nine days, forty-five dollars, whereas, I have allowed sixty dollars; but, if there were a relay of boats and scows capable of carrying fifty tons, on each reach, with horses and wagons on the three longer portages, it could be done for six dollars per ton, or say thirty cents per 100 pounds.

For the Height of Land carriage of ten miles, I have set down twelve cents per 100 pounds, or say \$2.40 per ton of 2000 pounds. It requires no explanation to shew that this is a very ample estimate.

In the Dog Lake and River reach of thirty-five miles, I have put down eight cents,

equal to \$1.60 per ton, and for the land carriage of twenty-five miles, from Thunder Bay to Dog Lake, I estimate twenty-five cents per 100 lbs., or say, five dollars per ton of 2,000 lbs.

These estimates will all be considered ample; but, supposing the communication to be well opened, and the appliances for transport in full operation, the following would be a fair estimate:—

|                                                                      |           |
|----------------------------------------------------------------------|-----------|
| 25 miles land road, Thunder Bay to Dog Lake.....                     | 25 cents. |
| 35 miles water carriage Dog River and Lake.....                      | 6 “       |
| 10 miles land carriage, Height of Land.....                          | 10 “      |
| 184 miles, Fort Frances, 6½ being by land.....                       | 30 “      |
| 120 miles, Fort Frances to northwest angle in Batteaux, of 100 tons. | 6 “       |
| 90 miles land carriage, Northwest Angle to Fort Garry.....           | 75 “      |

464 miles \$1.52 per 109 lbs.

That is, \$30, 100 per ton of 2,000 lbs., from Thunder Bay to Fort Garry. But, as I said before, making every allowance, and taking the cost at \$2 per 100 lbs., equal to forty dollars per ton, at the outset. From York Factory to Red River, the contract price used to be twenty pounds sterling, or one hundred dollars per ton, while the present rate, by the Prairies and Red River, is ninety dollars per ton of 2,000 lbs.

Beyond this, it surely requires no argument to shew that, if the communication were opened, the whole trade of the Red River Settlement, both that of the Hudson Bay Company and the settlers, would pass by Lake Superior. A saving of fifty dollars per ton on freight, would certainly decide the matter. But this is not all, the price of such articles as the people of Red River require, being chiefly dry goods and groceries, is much lower in Canada than in any of the remote western towns of Minnesota. If Fort William were again made a free port, as it recently was, and, always supposing the communication to be opened, the people of the Red River Settlement would be in position to supply the northern settlements of Minnesota with merchandize, instead of being dependent on them, as at present.

#### RESOURCES—TIMBER, &c.

When the communication is opened, and settlement begins to advance in the prairie of the West, there will be a demand for wood for building and other purposes, increasing gradually until it has attained proportions commensurate with the means of transport. Westward of the Height of Land, on the streams flowing towards Rainy Lake, there is an abundance of timber, such as red and white pine, of a large size and good quality. This section would compare, not unfavorably, with some of the best lumber regions on the Upper Ottawa.

The prairies are nearly destitute of timber, and here is a supply which, to all practical purposes, may be said to be illimitable, and, looking to the future of the western territories, and having regard to the probable traffic which is to support a line of communication, there are, in the forests of the Winnipeg slope, the elements of a trade which should be kept in view.

Another article of economic value, which should be taken into account, is the vast quantity of peat which might be obtained in the swampy region near the Lake of the Woods; some of the swamps are very deep, and hold in store, great quantities of fuel of this description, for a region further to the west where there is but little wood. In a very short time the people of the Red River Settlement will find peat cheaper than wood, although, doubtless, they have for the present a considerable supply of the latter article.

The country has, however, other valuable resources, of which but little is as yet known, and no doubt, in the future, attention will be directed to its

#### *Mineral Resources.*

It is now well known that silver mines of surpassing richness were discovered at Lake Superior last summer, but it is not so generally understood that a formation, of the same age as that in which they occur, extends with more or less interruption to the Lake of the Woods, and that, for a great part of the way, the line which it is proposed to open will pass over Schists of the Lower Silurian period, such as yield silver at Lake Superior and Gold in Nova Scotia.

That part of the line, however, extending from a little eastward of Dog Lake to the Nameukan Lake, will be almost wholly on Laurentian gneiss—Silurian rocks then shew themselves, and the schists on Rainy Lake are plentifully intersected with lodges of quartz. While at Fort William, last summer, I was shewn some very fine specimens of gold quartz taken from Rainy Lake. I was also informed, on what I believed to be good authority, that alluvial gold had been discovered, but that the fact was being kept as secret as possible. These reports gain confirmation from the fact that on Vermillion Lake, in Minnesota, which is tributary to Rainy Lake, and only at a short distance from it, gold quartz has been already worked and various claims taken up. The communication which it is proposed to open might, therefore, be the means of developing an American as well as a Canadian Gold Field.\*

At the Lake of the Woods, chloritic and talcose schists, of Silurian age, similar to those of the Gold districts of the Chaudière, are frequent on the Islands, and they are traversed by what appear to be very promising quartz lodges.

Upon the whole, the indications and actual discoveries throughout the region are such as to warrant the expectation that there are mineral resources, as yet undeveloped, which will eventually lead to a trade which will greatly aid in sustaining a line of communication.

### OTHER METHODS OF OPENING THE COMMUNICATION.

#### *Railways.*

It has been urged that a Railroad from Lake Superior to Red River would afford the best and easiest means of communication, and that it would form a link to the great Railway system which it is believed will, at no distant day, span the continent from the Atlantic to the Pacific, within British Territory.

Now, while admitting the great advantages which would result from a work of this kind, it must be borne in mind that the means for its construction cannot at present be obtained. There is no amount of argument, as to prospective advantages, which could procure the investment of twenty millions of dollars, which would be about its cost, in an undeveloped region, such as that through which it would pass. Theoretically, the idea may be a good one, but practically, it is at least premature.

Moreover, a railroad between the points indicated would be isolated as regards other railways, and being available only during the season of navigation, would be without one of the chief advantages of a railroad, which is that it can be kept in operation, independently of the navigation.

It has been suggested that, whatever objections might attach to the project of a railway all the way to Red River, a comparatively short line would best overcome the rough and difficult section intervening between Lake Superior and Rainy Lake. But the same objections which present themselves in regard to the former, apply to the latter.

Its length, that is of a line from Lake Superior to Rainy Lake, allowing for deviations, would not be greatly less than two hundred miles, and its cost would far exceed any means which there is a probability of obtaining.

It would absorb an amount of capital more than sufficient to provide for the lockage required to connect the navigable reaches between Dog Lake and Lake Winnipeg, and form a canal, which, in the present state of the country, or any stage of development to which it can attain for a considerable period, would be of greater utility than a railroad.

Finally, before such a work was undertaken, the country would have to be rendered accessible, as I have already said, by some such means of communication as I have suggested.

It will not be understood, however, from what I have said, that a railway is impractic-

\* The following extract shews that the mines in the Vermillion district, near Rainy Lake, are beginning to attract attention:—

“THE LAKE SUPERIOR COUNTRY.—The *Gazette* (Superior, Wis.) says:—‘Col. Henry Tyndall arrived here from the Vermillion district late last evening, and started for St. Paul this morning. Tests have been made from several of the veins, all with the most favorable results. The quantity of rock tested in each case was not less than five hundred pounds. In every experiment so far, the yields has been largely over \$100 per ton; and some of them have gone up to thousands. A private letter informs us of one instance where one hundred and fifty pounds of rock yielding a pound and one-half of bullion. Col. Tyndall pronounces the country rich, and in this statement he is borne out by the amount of bullion which he brings with him, amounting to between seven and eight pounds of gold and silver.’”

able. In fact, with exception of the section between Lake Superior and Rainy Lake which is rough and broken and has never yet been explored with a view to a work of the kind, the ground is not unfavorable, but, as I have said, the idea of such a work is premature.

#### Canals.

On reference to what I have already stated, it will be seen that, from Dog Lake north-westward, to the Lake of the Woods, long navigable reaches occur in continuous succession, separated by short intervals of rapid water or other impediments. From the Height of Land Portage, where it strikes the *Savane* River, to the North-west Angle of the Lake of the Woods, the distance is three hundred and four miles, and the total amount of lockage that would be required, four hundred and twenty-five feet, being somewhat less than that of the Rideau Canal. By means of lock and dam, the whole of this distance might be rendered navigable without a break, at comparatively small cost, if wooden locks were adopted. The river channels between the navigable sections, are every where of rock, and generally favorable for the construction of such works as would be required.

With this extent of navigation might be connected the navigable water, east of the Height of Land, having a length, in Dog Lake and River, of thirty-five miles.

When the dam now in progress at Dog Lake is completed, the difference in level between the waters of Dog River and the *Savane* will be about a hundred feet, and a Canal with locks, by way of Muskaig Lake, might be constructed to connect the two. Lac des Mille Lacs would be the summit level, and it has sufficient water for a Canal both ways:

This would give three hundred and fifty miles of unbroken navigation, approaching at its eastern extremity to within twenty-five miles of Lake Superior, and at its western to within ninety miles of Fort Garry.

All the lockage required would cost less than would a railroad of two hundred miles to Rainy Lake, and it would be of vastly greater utility.

A short Railway of twenty-five miles, from Dog Lake to Thunder Bay, would connect the navigation with Lake Superior; while a similar work of ninety miles, from Fort Garry to the North-west Angle of the Lake of the Woods, would join it to the Red River Settlement. The latter Railway would be over very even ground.

I have offered these suggestions, not with a view of conveying the impression that they should be immediately acted upon, but to shew what is practicable, and what would be the true way of opening a line adapted for heavy traffic, when the country has attained a stage of development to warrant the expenditure which it would involve.

#### SYSTEM OF WORK BY CONTRACT OR OTHERWISE.

The work is of that nature, which, from long experience in carrying on similar operations, in remote sections, I believe could be better performed by engaging good workmen and competent overseers than by contract.

Contract work is all well enough in a settled country, where, if one man fails in accomplishing an undertaking others are always ready to take it up; but, in such a region as that in which the works under consideration would be carried on, the Government would be, in a measure, at the mercy of the contractor, as for instance, if he should not make provision for a particular work, or from any cause break off, it would throw the enterprise back for a full year. Contractors, as a general rule, would only undertake work in a region so remote in the hope of large profits, which the comparatively small sums set down for each particular section would not bear. They would, as usual, have endless bills of extras, where every little contingency could not be foreseen; and, if it appeared to be a losing business, would delay and petition for increase in their rates, and might, indeed, abandon the works altogether. Moreover, the Indians, in some of the sections, have to be very carefully dealt with. At such a distance from the restraints of law, none but men of good character should be brought among them, and spirituous liquors should be strictly prohibited.

Under a system of contract, the Government would have little to say as to the class of men to be employed, and the officers in charge of the works might be unable to prevent liquor from being smuggled in. The Indians sometimes assemble at Fort Frances and on Rainy River, to the number of five or six hundred, and if a few barrels of whisky were rolled amongst them the consequences might, undoubtedly would, be serious.

Moreover, contractors, or their employees, would not consider themselves in any way bound to refrain from interfering in the fur trade, and their doing so would irritate and render hostile the employees of the Hudson Bay Company, who have been so friendly and obliging in the past, and whose good offices will, I have no doubt, be equally at the disposal of the country in the future, if they meet with the courtesy they are always ready to extend.

In my allusions to the contract system, I wish it to be clearly understood that I speak from my own experience of such a system in the wilderness, and, meaning no reflection on contractors in general, I would say that if such a system is adopted in the Rainy Lake Section of the country, a military force will be required to support it, and this would soon occasion a greater outlay than the full amount of my estimate for the work.

For the works on the Lake Superior Section, and the Lake Region, the head-quarters from whence supplies are to be sent in, must be at Fort William or Thunder Bay. The latter, of course, after the Dog Lake road is completed.

For the road, between the North-west Angle of the Lake of the Woods and Fort Garry, supplies and men must be obtained at the Red River Settlement. Workmen, in sufficient numbers, can be had there, and, from letters I have recently received, I am led to believe that provisions also will be abundant, such as flour, beef, etc.

#### THE INDIAN ELEMENT.

In opening the communication to Red River, the country will be brought, to some extent, into contact with the Indians, who have their hunting grounds on the line of route.

Hitherto, Canada has been fortunate in dealing with the Indian element; and, in the present case, I see no reason for anticipating greater difficulty than has arisen in the past.

The only localities where the Indians are at all numerous, are at the Lake of the Woods and Rainy River, but the entire population does not greatly exceed three thousand. They can, however, collect in summer in larger numbers than Indians usually do, from the fact that they have abundance of food. This is afforded by the wild rice of the country which they collect, and by the fish which literally swarm in the Lakes and Rivers, some industry practiced on their own part, too, in raising Indian Corn, serves to supply them to a small extent. I have seen as many as five or six hundred of them collected at one time, at the rapids on Rainy River, engaged in catching sturgeon, the flesh of which they preserve by drying it like Pemican and then pounding it up and putting it, with a due mixture of oil, into bags made of sturgeons' skin.

They have a rude sort of Government, and the regulations made by their Chiefs are observed, it is said, better than laws usually are where there are no great means of enforcing them.

They are very intelligent and are extremely jealous as to their right of soil and authority over the country which they occupy.

When the Red River Expedition first came in contact with them, they manifested some displeasure, and were not slow to express it, at parties being sent through their country, to explore and examine it, without their consent being first asked and obtained. On becoming better acquainted with them, we found it to our advantage to keep up a little friendly intercourse with the Chiefs, calling upon them as we passed, and interchanging a few presents of no great value. When we had adopted this course, all difficulties vanished, and, ere the explorations were brought to a close, they manifested and expressed an earnest wish to see the communication opened.

The chief danger which could arise of coming into unfriendly relations with the Indians, would be from having large parties of workmen in the vicinity of their encampments. Now, this is a contingency not likely to arise, from the fact that where the Indians are numerous, the navigation is unimpeded and but little work required; but, as a rule, extreme prudence will always have to be observed by the officers in charge of men to keep them from coming in contact with the Indians.

These Indians are all heathens and never seem to have been in the slightest degree impressed by the Missionaries who have attempted their conversion. They are, however, very pious in their own way, and much of their time seems to be occupied in religious observances, which have their manifestation in long fasts and nights of watching, when they pretend to hold familiar intercourse with Spirits whose presence, in the secret recesses of their lodges, is indicated by drum beating, chanting, incantations and many unearthly noises besides. At stated intervals, the greatest and most solemn ceremony of the tribe, the Mystical

Feast of the White Dog, is held at Fort Frances, and, at such times, the gravity and terrible earnestness of their demeanor, would do no discredit to more civilized congregations.

In appearance, these Indians are tall and well formed and, in bearing, independent; sometimes, even a little saucy, but, in their intercourse with strangers, they are hospitable and kind. Their morality is said to be of a high order, as compared to that of the Indians of the Plains.

They are, in general, keen traders, and seem to know the value of what they get and give, as well as any people in the world. Some of those who assemble at Rainy River for the sturgeon fishing, in summer, come from Red Lake, in the neighboring State of Minnesota, where they possess hunting grounds; and, among these latter, are some who have been parties to treaties with the United States for relinquishing certain tracts for settlement, for which they are now in the receipt of annual payments. The experience they have thus gained, has rendered them expert diplomatists, as compared to Indians who have never had such advantages, and they have not failed to impress on their kindred and tribe, on Rainy River, the value of the lands which they hold on the line of route to Red River.

Any one who, in negotiating with these Indians, should suppose he had mere children to deal with, would find himself mistaken. In their manner of expressing themselves, indeed, they make use of a great deal of allegory, and their illustrations may at times appear childish enough, but, in their actual dealings, they are shrewd and sufficiently awake to their own interests, and, if the matter should be one of importance, affecting the general interests of the tribe, they neither reply to a proposition, nor make one themselves, until it is fully discussed and deliberated upon in Council by all the Chiefs.

The Chiefs are fond of asking any travellers, whom they believe to be of any importance, to attend a Grand Council, as it affords them an opportunity of making speeches, which are meant quite as much to swell their importance in the eyes of their own people, as to impress the stranger; and, with their people, these meetings are popular, as it affords them an excuse for making a holiday, and coming out in all the varieties of colour, which paint, unsparingly applied, can produce.

At these gatherings it is necessary to observe extreme caution in what is said, as, though they have no means of writing, there are always those present, who are charged to keep every word in mind. As an instance of the manner in which the records are in this way kept, without writing, I may mention that, on one occasion, at Fort Frances, the principal Chief of the tribe commenced an oration, by repeating, almost verbatim, what I had said to him two years previously.

All this goes to show a certain stability of character, and a degree of importance attached to what they say, on such occasions, themselves, as well as to what they hear from others. The word of the Chiefs once passed, too, seems to be quite reliable, and this augurs well for the observance of any treaty that may be made with them.

For my own part, I would have the fullest reliance as to these Indians observing a treaty and adhering most strictly to all its provisions, if, in the first place, it were concluded *after full discussion and after all its provisions were thoroughly understood by the Indians*, and if, in the next, it were never infringed upon by the whites, who are generally the first to break through Indian treaties.

#### *The Treaty.*

From what I have said, I trust it will be seen that some sort of a treaty should be arrived at with the Indians. They are as I have stated, desirous of seeing the communication opened, believing that it will conduce to their advantage, and I think a treaty with them should, in the first instance, be confined to this one point, namely, **RIGHT OF WAY**. This they expressed their willingness to accord many years ago, but the question of relinquishing land for settlement was always taken by them *en delibere*. In this latter respect, what they are afraid of is, that settlers would interfere with the fisheries, from which they derive their chief means of subsistence, and I think it would, in the first instance, be imprudent to introduce settlement in the particular section which they occupy. The first great point is to get the communication opened, and the first treaty should be confined, as I have said, simply to *right of way*. By combining it with the land question, surveys of townships for settlement, reserves for the Indians, and so forth, complications might arise which would prove embarrassing.

There is but one point more, in relation to this subject, to which I would invite attention. It is the necessity of adopting the most rigorous and strict measures to prevent the conveyance

of ardent liquors to the Indian country. This the officer in charge of the works can easily see to, if he is armed with the proper authority. There is no likelihood of any of the employes of the works taking spirits in any quantity with them, unless contractors are employed; but there are private traders who would follow in their wake, and would not be slow to bring liquor, if through it they could drive a trade for furs; and such persons should, if they made the attempt, be at once arrested.

The Indians at Rainy River and the Lake of the Woods are, as a general rule, as yet in happy ignorance of what ardent liquor is. On the American side, the penalties against its introduction are so severe that it rarely makes its appearance, while on the British side its use is prohibited by the Hudson Bay Company.

To these fortunate circumstances, I believe, are due the well being and orderly demeanour of the Indians, and the rapid increase in the population, which, in this section, is, in contrast to the general rule, said to be taking place.

The precautions which I have recommended will appear not to be unnecessary, when it is considered that these Indians, notwithstanding their many good qualities, are still but savages. That they, in common with all the untutored tribes of their race, are keen to resent an injury, real or supposed; that a quarrel with one prominent individual would be a quarrel with the tribe, and that the sole arbiters of a dispute with them are the scalping knife and tomahawk, to the use of which they are well practised in their unceasing wars with the Sioux, and when, along with all this, it is considered that they can muster five hundred fighting men, accustomed to the woods, the rivers and every defile in the country, the expediency, as well as the justice, of keeping from them, that first prolific source of Indian quarrels and Indian demoralization, "Fire Water," will be apparent.

I have only further to say, that, with ordinary prudence, there need be no risk of getting into difficulty with the Indians. They will extend a warm welcome, in the first instance to the parties sent in by the Government, and it will be for the latter to see that nothing occurs to interrupt a continuance of friendly intercourse.

(See Notices of Indians, in my printed Report, pages 14 and 26.)

## AGRICULTURAL RESOURCES.

### *Lake Superior Section.*

In this section, the cultivable areas are of limited extent, and confined chiefly to the valleys of the streams. There are, however, occasional plateaux at a considerable elevation, showing a moderate depth of loam. In the vicinity of the line of route, the best locations will be found in the valley of the Kaministaquia, and on the shores of Thunder Bay. The climate of the country, bordering on the lake shore, is favorable to the growth of cereals, and all kinds of vegetables which are usually raised in other parts of Canada. When the mines at Thunder Bay, and on the north shore of Lake Superior, generally become developed, they will create a market for all kinds of agricultural produce, and this must render of great value such lands as are susceptible of cultivation.

Around the shores of Dog Lake, there are occasional patches of fair land, but the elevation of the country is such as to render the climate rather cold. On Dog River, and at the plateaux at the Height of Land, there is any amount of pasturage, and oats, potatoes, &c., might easily be raised.

### *The Lake Region.*

The eastern section of this region is cold, on account of its great elevation, but on descending to the westward the climate rapidly improves, and by the time Sturgeon Lake is reached, the summers are as long as at Lake Superior, and I think somewhat warmer.

Eastward of Sturgeon Lake, the rock formation is Laurentian, and, as usual, in regions occupied by that series, the cultivable areas are limited in extent, although, where they do occur, the soil is often very rich. It is such a country as that now being settled on the Gatineau or Upper Ottawa, with this difference, that, whereas on the Gatineau and Ottawa, the valleys present rivers bordered with alluvial soil, the valleys in this region are occupied by lakes. There are, nevertheless, occasional spots, occurring at intervals throughout the whole region, where the soil is good and of sufficient extent for farms, but, as a rule, speaking generally, the country never can become an agricultural district.



There are those, however, who would prefer a mountainous and diversified region of this kind, to the level areas which are spread out like oceans, a little further to the west. Among the Laurentian hills, and on the borders of lakes studded with wooded islands, there are situations of surpassing beauty and magnificence. The forests abound in game, and the rivers and lakes are teeming with fish, water power is unlimited, and timber, which will yet find a market in the prairies of the West, is abundant.

A farmer who should establish himself on any of the carrying places with horses and waggons, would soon realize an independence, as many have done in similar situations on the Ottawa. The first to locate themselves would have the advantage, and might hope soon to see villages growing up around them. No more advantageous situations could be desired than Jourdain's Rapids, the Prairie Portage where there is an abundance of grass, or the French or Deux Rivières Portages, all of which, until a canal is made, must be places of land carriage and trans-shipment. Here then, in the event of communication being opened, would be a field of enterprise, to steady and industrious farmers, who could combine the cultivation of the land with the profitable employment of carrying freight over the portages.

In such situations, too, the growing wants of a new settlement would soon create a demand for various branches of industry. Boat builders, blacksmiths and carpenters would find ready employment where small craft had to be provided for such a length of inland navigation, and saw mills would be required to supply them with material.

But, to proceed in regard to the capacity of the country for agriculture, on getting to Sturgeon Lake, the climate is improved, but the ground is still rough and broken as it is also, at Nequaquon and Nameukan Lakes. Rainy Lake is so much indented with bays, that in passing through it only head lands and islands can be seen, and these are often rocky, but I have heard it reported by the Indians that there are areas of very fine land about Rainy Lake.

#### *Lake of the Woods and Fort Garry Sections.*

Arrived at Fort Frances, one hundred and ninety miles in an air line from Thunder Bay, the mountainous region is passed and, commencing here, a beautiful tract of land extends along the bank of Rainy River to the Lake of the Woods. The tract of the very richest alluvial soil, and in the whole distance there is not apparently an acre unsusceptible of cultivation. Old Indian gardens, growing vetches and wild grass, are met with at intervals on the banks, and the forests present basswood, oak and elm, with occasional white pines of gigantic proportions.

To this succeeds the Lake of the Woods, with fifty miles of navigation among islands varying in character, some fertile and others barren, but on some of which the Indians have grown maize from time immemorial. The section which comes next, that between the Northwest Angle and the Prairie, as already described, is swampy. There are, nevertheless, occasional portions of it well adapted for settlement.

The wooded region ends with the section just referred to, and, from this point westward to the Rocky Mountains and north-westward to Peace River, the prevailing characteristic is prairie. These prairies are, for the most part, of rich alluvial loam, but they are in some places sandy as on the upper portion of the South Branch of the Saskatchewan. So vast is the region, and the soil throughout the greater part of its extent so good, that it is no exaggeration to say the *cultivable areas may be reckoned by hundreds of millions of acres.*

The country is intersected by rivers, one of which, the Saskatchewan, drains an area greater than does the St. Lawrence, and is navigable for seven hundred miles of its course. From the South Branch of this great river, north-west to Peace River, the climate is adapted to the growth of wheat. Coal, salt, iron, gold and bitumen, are among the minerals to be found. Over the untilled fields which nature has spread out, the wild cattle of the plains roam in countless herds, and for hundreds of miles together may be seen grazing like domestic cattle in a field of pasture. A region which thus, in a state of nature, supports animal life in profusion, must be naturally rich, as regards its soil and climate. It is, in fact, fitted to sustain as dense an agricultural population as any area of equal extent on the face of the globe.

Such in a brief view, is the country with which it is proposed to open communication, but to describe it further is beyond the scope of this Report.

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 THE WORK OF LAST SUMMER.
 

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In the month of May, last year, at the request of the Hon Alex. Campbell, the then Commissioner of Crown Lands of Canada, I submitted an estimate of the probable cost of the works I had proposed in the Lake Superior Section, and an appropriation of \$55,900 having been made, on the same from the Upper Canada Colonization Road Fund, as my time was greatly occupied by other engagements, it was eventually arranged that Mr. Bridgland, who had charge of the Upper Canada Colonization Roads, should undertake the road from Thunder Bay to Dog Lake, while, in regard to the dam, as he had no experience in works of the kind, I undertook to provide for its construction, and was accordingly instructed to lay out the work and place over it a competent superintendent, who should see to its management during my absence.

Under these arrangements, considering the lateness of the period of the season at which operations were commenced, a fair amount of work was accomplished. Six miles of the road were completed, under the able management of Mr. Snow, who had immediate charge of working parties, and, at Dog Lake, under the direction of Mr. Joseph Samson, a considerable quantity of timber was got out for the dam. Boats and scows were built for the conveyance of stone and material to the work, and a suitable building erected for the accommodation of the workmen.

Much of the necessary material and tools for the road and dam, besides a small quantity of provisions, are now on hand, and it is greatly to be desired that the operations, so auspiciously commenced, should be proceeded with as early as possible in the spring, inasmuch as these works, as well as being of paramount and permanent necessity to the line of communication, will, when completed, be of great advantage in the first instance, in facilitating the conveyance of materials and supplies to works of similar character further in the interior.

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 MR. J. W. BRIDGLAND'S REPORT.
 

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I notice this document to correct an error into which Bridgland seems, inadvertently, to have fallen. He has projected, on a map, a line of Railway from Lake Superior to Rainy Lake, and, from the information gleaned from a mere preliminary report of mine, represents the country through which it would pass as being imperfectly examined, or wholly unexplored. Now, the fact is, that the region to which he refers, although not examined exactly, with the view to a railway, has been explored to such an extent as to afford, at least, a fair knowledge of its topography. Messrs. Wells, Russell and Gaudet, Provincial Land Surveyors, crossed and recrossed it in various directions, as I, myself, also did, making surveys and determining levels over extensive sections, and should Mr. Bridgland ever visit the country, which he has not as yet done, I feel confident that he will perceive the accuracy of the description contained in my reports and reproduced in an abridged form in this document, under the heads of "Lake Superior Section" and "Lake Region."

As regards the railroad, I have, in various reports submitted to the Government, explained that when the circumstances of the country would admit of works of such magnitude, and when the North-west Territories had attained a certain degree of development, a short line, of some twenty-five miles, from Thunder Bay to Dog Lake, would be of advantage, as would, also, a line from the North-west Angle of the Lake of the Woods to Fort Garry, combining with these great works the improvement of the intermediate navigation, by means of lock and dam, from Dog Lake to the Lake of the Woods.

Mr. Bridgland has adopted the same idea, with this difference, that he proposes a railroad of no less than *two hundred miles at the outset* with *one lock* at Fort Frances. In either case, it will be observed, that there must be intermediate navigation. Then, why not bring the navigation as close as possible to Lake Superior, so as to have a shorter railroad? A canal, supposing the lockage to average as much as that of the Rideau has done, would not cost half as much as a railroad of 200 miles in length, which latter, supposing it to involve no greater outlay than similar works in this country have averaged, would cost at least *eight millions of dollars*.

Such vast projects are as yet premature. In regard to Mr. Bridgland's scheme, as he

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professes no personal knowledge of the country, and merely submits it as a suggestion, I shall offer no further comment, than to say, that it would be useless to expend further sums of money in the exploration of the route, which he proposes, with the view to a railroad. His line, at the summit of the water-shed, would be at an elevation of some 1,500 feet above the level of Lake Superior, and that, not in one gradual rise, but over successive hills and valleys. Further to the westward it would be on a sort of dividing ridge, between "long and irregular water-courses." Its course would be transverse to the strike of the gneiss which, over a considerable part of the route, is heaved up in mountain chains, or depressed in sharp valleys filled with lakes as already described, in this report, under the head of "Lake Region." Moreover, a railway of such considerable length should be so placed as to be available, at some future period, as a link in the extension of Canadian Railways to the vast prairies of the West, and, in this regard, Mr. Bridgland's proposed line would be quite out of the way.

I fully concur with him in his views as to the expediency of immediate and energetic action, in opening such communication as would attract the trade of the western territories to this country, and I believe the plan which I have proposed would have the desired effect.

Respectfully submitted,  
S. J. DAWSON.



APPENDIX.  
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# APPENDIX.

(Copy of No. 3,090.)

OTTAWA, 15th April, 1868.

SIR,—I would respectfully invite your attention to the position of the works at Lake Superior, for which a grant was, last year, made from the Upper Canada Colonization Fund.

If these works are to be proceeded with during the present season, the time is approaching when arrangements should be made for their vigorous prosecution, immediately on the opening of navigation.

I enclose a copy of a Memorandum, which I submitted last year, in regard to the importance of having the road to Dog Lake completed with the least possible delay, as it would greatly have facilitated the conveyance of supplies for works further to the west. The same arguments still hold good, although, from the experience of last summer, I find that by the use of the flat-bottomed scows instead of bark canoes, in certain parts of the Kaministaquia, we could forward limited quantities of supplies with tolerable security.

As matters stand at present, I have a dam on hand at Dog Lake, and Mr. Bridgland, the Superintendent of Ontario Colonization Roads, has in charge the road leading from Thunder Bay to Dog Lake.

Whether a grant should be obtained this year or not, for opening the communication all the way to Red River, it is in any case of the utmost importance that the Dog Lake road and Dam should be completed, as they would so much facilitate further operations whenever they may be undertaken.

As, in the event of its being decided upon to continue the works now in hand, men have to be engaged and supplies prepared, I would respectfully solicit early information as to the intention of the Government in this regard.

I have the honor to be, Sir,

Your most obedient servant,

S. J. DAWSON.

Hon. Wm. McDougall, C. B.

Minister of Public Works, &c., &c., &c.,

Ottawa.

P. S.—My general report on the line of communication is being copied, and will be submitted in a few days.

S. J. D.

(Copy.—Memorandum.)

OTTAWA, 1st July, 1867.

In regard to opening the communication with the North-western Territories, I think it highly desirable that work should be commenced and prosecuted on the eastern section with all possible dispatch, and, to this end, I would recommend that Mr. Snow or some other competent and active man should be at once sent off to commence operations, and that the force should be gradually increased, as it can be advantageously employed, until it has reached such a number as will ensure the completion of the work during the present season.

For my own part, I shall be ready at any time after the 20th of this month, to go up and lay off the dam at Dog Lake. In the meantime, I can furnish a Memorandum, which, as the line of road between Thunder Bay and Dog Lake is already laid out, will enable the first party to go on with the preliminary work. Lake Superior is now easy of access and there is, I apprehend, ample time during the current season to expend the present appropriation to advantage.

The plan recommended by Mr. Bridgland, to extend the work over the present season and next, has no doubt, much to recommend it, and if economy were the sole object to be had in view, perhaps it would be the best.

There are, however, other considerations which, always having a due regard to economy, I beg to submit.

In the first place, the work for which a grant has been made is *essential* as a preliminary step to works farther to the west. The section between Lac des Mille Lacs, and Rainy Lake, cannot, in fact, be touched until it is rendered accessible from Lake Superior. Loaded canoes take nearly a week to reach Dog Lake by the Kaministaquia, and much time is consumed in getting over the long portages at the Height of Land, so that by the time Lac des Mille Lacs is reached, the crews make a sad inroad on the small loads which their canoes can carry.

It will thus be understood how necessary it is to the great object in view—that of opening communication with the North-west Territories—that this preliminary work should be gone on with, and the great stumbling block, or barrier, at Lake Superior overcome with all possible despatch. Once at Lac des Mille Lacs, the communication is not, even in its existing state, so bad but that large-sized boats or canoes can be used in forwarding supplies for the prosecution of further works, so that comparatively small as the appropriation may appear to be, it is impossible to over-rate the importance of the work on which it is to be applied or the effect it will produce.

Another consideration not to be lost sight of is, that if an energetic commencement were made at the eastern end of the route, the people of Red River would, themselves, in all probability, set to work on the section nearest them. They would, I believe, have done so long ago had they seen an earnest beginning made.

I believe, too, that there will be economy in taking advantage of time, and pushing on the work rapidly, for when enterprises of this kind are extended over long periods the salaries of the overseers and other officers make serious inroads upon appropriations.

Any number of men can, at present, be had in Lower Canada, accustomed to the woods, and the nature of the work. The lumbermen of the St. Maurice, for instance, are now being paid off, and would gladly engage for Lake Superior.

Respectfully submitted,

The Hon. A. Campbell,  
Commissioner of Crown Lands,  
&c., &c., &c.,  
Ottawa.

(Signed)

S. J. DAWSON.

DEPARTMENT OF CROWN LANDS,

Ottawa, 5th July, 1867.

MY DEAR SIR,—I sent a copy of your last proposal to Mr. Bridgland, and he has just replied by telegram—"No need for Snow\* going first; we can take tents for the season. If he does not wish to go I can make another selection."

I am so overwhelmed with business that I can neither give time or thought to the service, so pray correspond with Mr. Bridgland, and try to get him to start a party at once; also try to disabuse his mind of the idea that the road is "a hasty location." I think it very desirable that he should go over the line of the road with you, not to explore for a better, but to decide the work to be done on it, and, if time allowed, to go over as much of the rest of the route as can be made next year.

I regret, more than ever, that you cannot take charge of the whole.

Yours sincerely,

(Signed)

A. RUSSELL.

S. J. Dawson, Esq.,  
Civil Engineer.  
Three Rivers.

OTTAWA, 27th April, 1868.

SIR,—I beg leave to hand you, herewith, a Memorandum explanatory of the different items specified in the estimate which I had the honor to submit, in respect to the cost of opening the communication between Lake Superior and the Red River Settlement.

\* The Mr. SNOW here referred to conducted the working parties on the road last summer. He is an excellent officer, and would go up again.

The total sum set down, as being required between Jourdain's Rapid on Dog River and Fort Garry, is \$161,500. This, it will be observed, is irrespective of the sum of \$55,900 appropriated last year from the Upper Canada Colonization Fund for the Lake Superior section.

In my report, handed in some days ago, I have endeavoured to show, from what I believe to be conclusive data, that if the communication were opened in the manner proposed, the trade of the North-West Territories would be attracted to Lake Superior.

At present, the cost of transport from St. Paul to Fort Garry amounts to \$90 per ton, or thereabout. By boats from York Factory, on Hudson Bay, to the same point, the cost is said to be about \$100 per ton. But, taking the general average cost of articles delivered at Red River, whether from the western towns of Minnesota or from York Factory, at \$90 per ton, I have shown that, if the communication were once opened, the cost per ton, from Lake Superior to Red River, would be about \$30; but making every allowance, and for the sake of comparison, I have set it down at \$40 per ton. Now, on every principle on which commerce is carried on, a saving of \$50 per ton on freight, which is more than half of the whole cost, would surely decide the matter as to which route should be followed. But, it is not, alone, in transport, that the Red River settlers would have an advantage in coming to Lake Superior. With the present high tariff in the United States, and, considering the remoteness of St. Paul, where they chiefly purchase their supplies, from any centre of commerce, it is not too much to say that they could buy such articles as they require for, at least, 25 per cent. less in Canada than they can in St. Paul.

In regard to the trade of the North-west Territories, it is difficult to form a very precise estimate. That of the Red River Settlement, alone, is valued in St. Paul at four millions of dollars, while the Hudson Bay Company's trade, by York Factory, may probably reach two millions of dollars annually. The published returns of the revenue of Red River Settlement would, however only indicate a trade of two millions of dollars, annually. But, as the people sometimes do not acknowledge the authority of the Government to collect duties, and as, in any case, the Government is not very exacting, it is probable that a great deal escapes; but it would, I think, be quite within bounds to take the entire trade of the territories, both that of the settlers and the Hudson Bay Company, at from three to four millions of dollars, annually.

Here, then, is a fair amount of traffic to occupy the line as soon as it is opened, and, not to speak of the many other important subjects in connection with this matter, I would point to the fact that, as a speculation merely, it would pay the Dominion of Canada to open the route to the North-west Territories, and have their young and growing trade attracted to the country before it becomes established in channels from which it may, at a future time, be difficult to divert it.

I have the honor to be, Sir,  
Your obedient servant,  
S. J. DAWSON.

To the Hon. W. McDougall, C. B.,  
Minister of Public Works,  
of the Dominion of Canada.  
Ottawa.

(Copy of No. 1,928.—Received 11th Dec., 1867.)

SIR,—I beg leave to lay before you a brief Report relative to the North-west and Red River Country. It is doubtless known to you that, in the month of June last, the then Government of Canada, decided to adopt some measures towards the development of the above region.

A scheme for this purpose had been presented by Mr. S. J. Dawson, in the year 1859, after two years of previous exploration and survey in the country in question, founded upon the information thus obtained.

This scheme proposes a series of improvements, comprehending dams, locks and turnpike roads. The waters are to be rendered navigable in reaches over a certain distance of the route from Thunder Bay, on Lake Superior, to Fort Garry, on Red River, connected by means of turnpike roads, to complete the communication.

The Government adopted this scheme on the 18th June last, and ordered the Superintendent of colonization roads, in Upper Canada to organize a party and proceed at once to



commence the works. The order was obeyed, and as much progress made with the first section of the work as the circumstances and season would permit of.

Upon the value of the improvements suggested in Mr. S. J. Dawson's scheme, I do not intend to dwell further than to remark that, in my opinion, they are not adequate to the object in view, viz., the development and settlement of the Red River Country.

A general view I take of the subject is this:—A country lying five hundred miles distant from the head of navigation, and being likewise separated by what is suspected to be a generally barren and broken country, can never, beneficially, be reached for the purposes of settlement, excepting through the medium of the most improved modern locomotion; neither can the products of that country be brought from it through such an intervening section by any less speedy and capable line of traffic. These arguments are strengthened by the fact that the country in question is offered a rival market to our own by a much easier natural route,\* with the prospect doubtless of increased facilities, proportionate to the augmenting wants of the country.

There will be little hesitancy on the minds of our American neighbours, after having already provided \$85,000,000 to build a grand continental railway to the Pacific, to adopt collateral measures to tap the section in question with a branch railway, so soon as the interests of trade point out the benefit of such an enterprise.

It hence appears indispensably necessary in order to prevent the forestallation of the commerce of this promising region that our own Government should adopt immediate and adequate measures to develop and imbibe its resources.

Now the project I have to propose is the building of a narrow gauge railway from Point des Meurons on the Kaministiquia River, about eight miles above Fort William, to south-east corner of Rainy Lake. The formation of one ship canal lock at Fort St. Frances on Rainy River, and the dredging of a clay bar at the mouth of the Kaministiquia River to admit of navigation to the above point Des Meurons.

From the south-east corner of Rainy Lake to the north-west corner of Lake of the Woods, we would then have an unbroken line of navigable waters for the largest class of steamers, and but 90 miles would remain to reach Fort Garry on Red River. The latter distance being over prairie and low gravelly ridges, offers no serious impediment to turnpike roads or a cheap railway. It might be left to be improved by the enterprise of the settlers themselves, or if the Government saw fit they could continue their operations after any method of improvement they might deem most judicious.

By a reference to the map which accompanies this Report, it will be seen that the country through which it is proposed to carry this projected railway, embraces a considerable average breadth, say from 30 to 60 miles, lying between the long and irregular water courses formed by the most considerable streams and connecting lakes.

All this region has been very imperfectly, and I think in most respects wholly unexplored, and hence offers the probability of obtaining, by some reasonably direct course through its centre, a practicable line of route for a railway. Such an exploration should be an immediate preliminary operation.

Of course it would be premature to offer for the adoption of the Government any detailed scheme by which the moneys necessary for the undertaking might be secured. This would in some measure be ruled by the value of the country through which the line would pass.

If any considerable portion of it were found to be of agricultural or mineral importance (which last is highly probable, and the former to some extent, very possible,) then a portion of it might be made use of, in the shape of grants to capitalists, who, for this and other considerations of commercial privilege, might be induced to undertake the construction of the road.

At all events the Government would be amply compensated for the cost of a thorough and systematic examination of the country through which the line is proposed to pass by

\* On the United States side, the distance from the Red River Settlement to the navigable waters of the Mississippi is about 640 miles, *by land*. Whereas, through British Territory, to Lake Superior, allowing for all possible deviations it is but 463 miles, of which 131 would be by land and 232 *miles by navigable water*.

Those who have examined both routes, without any bias in favor of American lines, are generally of opinion that the natural facilities predominate on the British side. So far, Mr. Bridgland has seen nothing of either route, except a section of six miles at the starting point of the Canadian line at Thunder Bay, on which he has reported as being very good.

information, geological and agricultural, that would be thus obtained, should it even be found impracticable for the direct purposes of the exploration. The probable distance from Point des Meurons to Rainy Lake is about 170 miles, and allowing 30 miles for the increase of distance by circuit, it would make the line 200 miles in length. The distance hence through Rainy Lake down Rainy River, and through the Lake of the Woods to the west side thereof, is estimated to be about 150 miles; and from this latter point to Fort Garry is 90 miles, so that the total length of the line by this route will be about 400 miles, instead of 500 as by Mr. Dawson's line. The manifest utility of this improvement would be—

1st. That the eastern boundary of the Red River valley could be reached in 24 hours, travel from Point des Meurons, and with the heaviest amount of freight capable of being transported by locomotives and steamers.

2nd. Every available section of the country along the route, valuable for agriculture or mineral purposes, would be at once developed.

3rd. All the products of the vast valleys of the Red River and North-west generally, could be speedily transported to our own market.

I shall say nothing here as to the probable cost of the undertaking, which (with reference to the railway) will, of course, mainly depend upon the character of the line that may be discovered. If, however, the Red River region proves to be one-half as rich and extensive in its agricultural value, as it has been confidently reported, it is certain that no ordinary expenditure should for a moment delay the most active measures to realize the benefits of its practical acquisition.

The dredging of the bar at the mouth of the Kaministiquia, although an indispensable part of the scheme of improvements, is, nevertheless, one requiring but a small expenditure, which, with the lock at Fort St. Frances, will, probably, not cost more than \$30,000. I forbear to enlarge further on this subject, either to exhibit the drawbacks and disadvantages of a project that comprehends the transshipment of cargo, no less than twelve times between Lake Superior and Fort Garry, and the length of time that must be expended in compassing the termini of such a route; or the superiority of the one I have now the honor to lay before you, as all this will be immediately manifest from inspection of the map accompanying this Report, and upon which I have delineated, I believe, all the topographical and statistical information necessary to convey a proper understanding of the question under discussion.

In conclusion, I beg to observe, that the operation, of last season, so far as relates to the Dog Lake road, may not be considered useless, nor, indeed, of small importance, as the mineral value of the section over which it passed, demands such an improvement, irrespective of any considerations connecting it, as a link on Mr. Dawson's route, to the Red River.

That it will be judicious, however, to extend such works beyond Dog Lake is a question upon which I have doubts, and for the reasons set forth in the foregoing Report.

Respectfully submitted by,

Your obedient servant,

(Signed,)

JAMES W. BRIDGLAND.

To the Honorable William McDougall, C. B.,  
Minister of Public Works,  
Dominion of Canada.

(Copy of No. 1,864.)

TORONTO, 2nd December, 1867.

SIR,—I have the honor to submit my final report of the season's operations upon the Dog Lake and Thunder Bay road.

Having, in my former report (which I had the honor of transmitting to you in the month of October last), giving a detailed account of the work, performed upon the road down to the 16th September, at which period I left the ground, having given the work into the charge of my chief assistant, Mr. John A. Snow, it only remains for me to inform you of the progress and success of the expedition, down to the end of October, when the works were closed, and the party returned by the last trip of the *Algoma* steamer.

I am happy to be able to state, that the full amount anticipated in my former report has been accomplished. Six miles of an excellent road have been constructed, of the same description throughout, as that related in my former report, and any reasonable load—say from one to one and a half tons—can be safely transported over it.

The store-house also spoken of, erected at the Thunder Bay terminus of the route, has been well finished.

All our tools, utensils, and furnishings, are snugly and safely stored therein, and I have, with the sanction of the Assistant Commissioner of Crown Lands, left one reliable and capable man in charge thereof.

In addition also we have cleared, stumped and burned three acres of land around the store-house, and prepared it for early planting with potatoes in the spring, which latter labour will be conveniently performed by the man left in charge, who has instructions to do so.

The requisite seed can be procured from the Hudson Bay Post at Fort William, and I have made the necessary arrangement with Mr. McIntyre to this end, and for the wintering of one yoke of the oxen taken up, so that they may be ready for our service another season.

All the party, including the men employed by Mr. Dawson at the dam work on Dog Lake, with the exception of one man left, as stated above, in charge of the store house and stores, two who deserted from the works and joined the miners, returned in good health and safety.

With reference to the operations of Mr. Dawson and his party, I cannot speak confidently, as Mr. Dawson has not yet made his report. Mr. Snow, however, made a trip to the locality, before leaving the work, and informed me, that a good deal of timber had been prepared for the construction of the dam and two barges for the purpose of floating stones, and other materials had been constructed.

In conclusion, I beg leave to remark that, considering all the disadvantages under which we have laboured in commencing and carrying on this improvement, we have accomplished in the short season of two and a half months, a large amount of labour.

The men upon the road works have scarcely averaged forty-five in number, as from four to five were generally employed in the necessary work of building the store-house.

Respectfully submitted by,

Your obedient servant,

(Signed,)

JAMES W. BRIDGLAND,

Sup. Col. Roads, Ontario.

To the Hon. Wm. McDougall, C. B.,  
Minister of Public Works.

(Copy of No. 1,924.)

OTTAWA, 6th December, 1867.

SIR,—My father told me that you had expressed a wish for information as to the position on Lake Superior of the terminus of the Dog Lake Road Line. I am glad to have the honor of sending the accompanying Memorandum, and hope it may possibly be of use.

A Copy of *Bayfield's Chart* would give you, what I may have failed to convey, a clear idea of the north end of the shoal, near which point the road line starts.

I am, Sir,

Very respectfully,

Your obedient servant,

(Signed,)

LINDSAY A. RUSSELL.

Hon. William McDougall, C. B.,  
Minister of Public Works, &c., &c.,  
Ottawa.

MEMORANDUM on the location of the Road-line from Thunder Bay, Lake Superior, to Dog Lake, on the route to the Red River and Saskatchewan Territories.

In the winter of 1858-59, I was instructed, as an assistant on the Red River Expedition, with the exploration and preliminary survey of the road line above mentioned.

The objects kept in view were:—1st. That the road connecting the navigation of Lake Superior with Dog Lake, should be the shortest possible of construction at reasonable cost. 2nd. That the terminus on Lake Superior should be accessible to any sized vessel navigating the lakes.

The terminus, as I located it, complies fully with the first condition; it is the nearest point on Thunder Bay to Dog Lake, and is about three miles nearer to that lake than are the

Hudson Bay Company's Post, and other places on the River Kaministiquia at Point des Meurons and below it.

The country from the Point des Meurons was found to be rough and impracticable.

Starting from the Hudson Bay Company's Post, or any point on the Kaministiquia for a considerable distance above it, necessitated the crossing of from three to four miles of bad swampy country, degenerating in many places into open morass. Even had the termini here considered been equidistant from Dog Lake, and that the routes from them led through equally good country for road making purposes, the second condition imposed that of accessibility to all craft on the lakes, would have caused them to be rejected, when they were compared with the terminus chosen.

Along the shore of Thunder Bay, at the mouth of the Kaministiquia, lies a shoal extending outward about half a mile; through it the river cuts a channel with six feet on the bar. This channel would require much dredging to admit lake vessels, and it is questionable whether its tendency to fill would not make continual work upon it necessary.

The shoal mentioned runs into land, northward, just before reaching that point on the shore of Thunder Bay, which is nearest to Dog Lake. Here, clear of the end of this shoal, vessels of ocean draft could lie at an ordinary wharf extending 500 feet from the shore at the terminus chosen.

As to the sheltered mooring ground, it shares the advantage of the mouth of the Kaministiquia, and, therefore, in that particular is, at present, on precisely the same footing as the Hudson Bay Company's post as a terminus.

The route, from the terminus chosen, has by far the advantage in the nature of the country through which it passes; it is not rough, and is much drier than the lines from the Kaministiquia, though in a swampy country; even in these swamps that it does traverse, further exploration, in the more favorable season of summer, may shew minor deviations that would improve the line on the final location of it.

Reference to the *Chart of Lake Superior*, by Admiral Bayfield, will shew the correctness of my statements as to soundings and position of shoal, and anchorage, &c.

(Signed,)

LINDSAY A. RUSSELL.

Ottawa, 6th December, 1867.

It will be seen by the foregoing and Admiral Bayfield's Chart, that Fort William is not a harbour accessible to vessels, but that the terminus chosen by me for the road-line is one admitting of their coming close to the shore.

L. A. R.

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## SUPPLEMENTARY RETURN

To an Address of the HOUSE OF COMMONS, dated 11th May, 1868; For Copies of all Reports since the 1st July, 1867, to the Government of the late Province of Canada, or the Government of Canada, which may have been made by the Surveyors or other Officers employed to construct roads and other works, for the purpose of opening communication between the Head of Lake Superior and the Red River.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 5th May, 1868.

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(No. 2,461.)

OTTAWA, May 15, 1868.

SIR,—I have the honour to transmit copy of a report of Mr. Snow to Mr. S. J. Dawson. Copy of 3,415 having reference to the selection of Thunder Bay, Lake Superior, as a harbor enclosed. hour for vessels, with request that it may accompany Mr. Dawson's Report, attached to the Return relating to the Red River Route, sent to your Department on the 14th instant.

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

F. BRAUN,  
*Secretary.*

E. Parent, Esq.,  
Under Secretary of State, &c., &c., &c.,  
Ottawa.

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### THUNDER BAY AS A HARBOR.

The following letter, from Mr. Snow, the officer late in charge of the working parties on the Dog Lake Road, is important as shewing that, in his opinion, Thunder Bay is naturally well sheltered, and that at the point selected as a harbor, he thinks "*an ordinary sail boat might ride safely at anchor under any gale.*"

Mr. Snow was encamped for about three months at Thunder Bay—from the middle of summer until the close of navigation—and had, therefore, a good opportunity of observ-

ing the effect of the winds. It will be observed that he says there is abundance of material in the vicinity, such as timber and stone, available for the construction of wharves.

S. J. DAWSON.

Rossin House, Toronto, May, 1868.

HULL, 23rd April, 1868.

MY DEAR SIR,—In reply to your letter of yesterday, asking my opinion of Thunder Bay, Lake Superior, as a harbour for vessels, I may state that, during the whole period of my stay there last season, I was encamped on the immediate shore of the Bay and could daily observe the effect produced by the different winds on its waters.

That part of the Bay, between Current River and the mouth of the Kaministaquia, I observed, was at all times comparatively quiet, being fully protected by the land on the north-west, west and south-west, and, on the south, by Welcome and Pic Islands. The greatest swell in this part of the Bay was produced by east and north-easterly winds, but these winds, here, seldom rise to a gale, being, when high, diverted from their course by the elevated headlands which flank the eastern side of the Bay.

I do not think the great swell from Lake Superior ever enters any part of Thunder Bay unbroken, as its course is comparatively checked by the high headlands and islands by which it (the Bay) is nearly surrounded.

Towards the easterly part of the great bay, a very considerable swell is occasioned by a gale from the west and south-west, but, in the vicinity of the Depôt, the land in that direction is so near that no swell is produced. At the Depôt, what may be termed the Inner Bay is considerably guarded by the land on the east, and completely so on the north-west, west and south-west, and is in an excellent position to be approached by sailing vessels. Here, I think, an ordinary sail boat might ride safely at anchor, under any gale.

During my stay, I made a survey of the coast from the mouth of Current River to near the Kaministaquia, and took soundings over a considerable portion of the Bay, in the vicinity of the Depôt, opposite which, and for some distance east and west, I found twelve feet of water at four hundred feet from the shore. For the present accommodation a pier, one hundred and fifty feet in length by thirty in width at bottom, erected in twelve feet of water, would be quite sufficient. It would require to be carefully built and solidly filled with stone, so as to resist the action of the ice in winter. Excellent pine for wharf building can be obtained, either a little east of Current River, or on the Banks of the Kaministaquia, below the falls. Stone is abundant, in the shape of boulders of convenient size to be handled, strewn along the shore immediately east of the Depôt, and it could be conveyed to the pier in boats or scows. There is also rock immediately at the Depôt landing, which can be quarried, if required.

I am, my dear Sir,

Yours sincerely,

(Signed, JOHN A. SNOW.

S. J. Dawson,  
Civil Engineer,  
Three Rivers,  
Quebec.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 14th May, 1868; For Copies of all Reports, Surveys and other Documents in the possession of the Government, relating to the St. Peter's Canal (Cape Breton), from the 1st July last.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 15th May, 1868.

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## RETURN

To an Address of THE SENATE, dated 7th May, 1868 ; For Copies of the Reports made by John Page, Esq., Engineer of the Public Works Department, on the subject of the deepening of Lake St. Peter, in virtue of an Order in Council, made about the 1st July, 1862.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 18th May, 1863.

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(Copy—Letter No. 85,656.)

OTTAWA, 16th May, 1867.

The Secretary of Public Works.

SIR,—I have the honor to acknowledge the receipt of your letter, No. 62,376, requesting that my report, on matters connected with Lake St. Peter, should be completed as soon as the press of other business will permit.

In reply it may be stated that from the length of time (3½ years) since this subject, to any extent, engaged my attention, I do not now feel warranted in attempting to report on it, even up to the date at which my investigation closed (December, 1863). Moreover, even if this could be done, it could scarcely, at so remote a period, be of much practical utility.

If, therefore, the Department wishes me to report fully on the subject, it is indispensable that time should be allowed for a re-examination, and otherwise obtaining the necessary information.

I would also be necessary to inform me whether the matter is to be proceeded with under the letter of instruction sent me in 1863, or if any other class of information is now required than called for by that letter.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) JOHN PAGE,  
*Chief Engineer, Public Works.*

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(Copy of No. 73,414.)

OTTAWA, 27th January, 1865.

The Secretary of Public Works.

SIR,—I beg to forward herewith a letter addressed to me by the Hon. John Young, Chairman of the Harbour Commissioners of Montreal, on the subject of the Lake and River improvements between Montreal and Quebec ; also, two statements ; one shewing the expenditure connected with the Lake Dredging Fleet for the year 1864 ; another shewing



that since the works were assumed by the Government, in 1860, the expenditure by the Trust has been \$81,221.24 in excess of the receipts.

It also appears that there is a balance of \$21,000 still to be paid by the Government on the conditional arrangements made for the completion of the 20 feet channel; this sum, the Trust is now desirous of obtaining, to enable it to make the usual repairs, and for commencing the work next spring.

For the further prosecution of the operations as agreed upon, the Trust proposes to ask the sanction of Parliament for the issue of Debentures.

On turning to a letter addressed by me, on the 29th September last, to the Department, it will be seen that the result of the enquiry made in the fall of 1863, led to the conclusion that the works up to that time had been conducted in as creditable and economical manner as could under the circumstances have been expected. Since the time of the examination referred to, I have not had an opportunity of ascertaining anything in regard to the works beyond what is contained in the letter forwarded on the 29th September, and the papers now submitted; but from the manner in which the accounts of the Trust have hitherto been kept, and the standing of the Commissioners, there is reason to believe that these statements are equally correct.

During last summer the dredges generally employed in the Harbour of Montreal were occupied in deepening and improving the channel at *Lavaltrie*, and at other places in the river; and there is every probability that if the works are urged forward next season in a like manner as heretofore, the principal obstructions to a twenty feet channel at low water will be removed.

With a view, therefore, of enabling the Trust to make the necessary arrangements to effect that object, I beg respectfully to advise the Department to advance say two-thirds of the amount remaining to be paid by the Government, or \$14,000, leaving an unpaid balance of \$7,000 as security that the Trust will carry out its agreements.

I have the honor to be, Sir,

Your obedient servant,  
(Signed,) JOHN PAGE,  
*Chief Engineer, Public Works.*

MONTREAL, 11th January, 1865.

John Page, Esq.,

Chief Engineer, &c.

SIR,—I am directed by the Montreal Harbour Commissioners, to place before you the enclosed statement of expenditure for the improvement of the navigation on the Lake St. Peter and River, during this season, and to ask you for a certificate by which the Commissioners may obtain the remaining \$21,000 of the \$160,000 appropriated by the Government for that work.

You will notice by the statement herewith, that the expenditure this season amounts to \$74,035.82. The sum of \$45,000 has been received this year, and if the \$21,000 is paid, the excess of expenditure by the Commissioners for 1864 will be \$8,035.82.

The statement will also shew that since the assumption of the works referred to by the Government in 1860, even when the \$21,000 is received, the excess of expenditure by the Commissioners over receipts will be \$60,221.

The 20-foot channel is now up to a point 4,850 feet from the Light Ship No. 2, and will be completed during next season.

For the amount yet required to complete the channel, authority for issuing Debentures will be asked for during this Parliament, to be paid for out of Harbour Funds, but as the repairs this winter will be considerable to the steamers, dredges, &c., the Commissioners trust that they will receive the \$21,000 as soon as possible, so that there may be no delay in the work necessary to be done this winter at Sorel.

I have the honor to be, Sir,

Your most obedient servant,  
(Signed,) JOHN YOUNG,  
*Chairman.*

**STATEMENT, shewing the Expenditure incurred by the Harbour Commissioners of Montreal, in carrying on the operations for deepening the Ship Channel in Lake St. Peter and River St. Lawrence during the year ended 31st December 1864.**

|                                                                                                                                                                                                                       |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Officers' salaries, men's wages, together with incidentals, paid in accordance with requisitions from the Superintendent, as appears by his pay sheets, duly examined at the office in Montreal by the Secretary..... | \$30,128 81 |
| Coals consumed by the two fleets.....                                                                                                                                                                                 | 23,243 19   |
| Frothingham & Workman, iron, steel, &c.....                                                                                                                                                                           | 3,194 75    |
| D. & J. McCarthy's account, repairs to vessels.....                                                                                                                                                                   | 977 99      |
| Tate, Power & Co.'s do do do .....                                                                                                                                                                                    | 2,380 46    |
| W. P. Bartley & Co.'s do do do .....                                                                                                                                                                                  | 1,805 98    |
| Kingan, Winning & Mair's account, groceries, oils, rope, oakum, &c.....                                                                                                                                               | 2,039 27    |
| Boyer & Hawley's account, pork and flour.....                                                                                                                                                                         | 1,180 20    |
| Alfred Savage & Son, oils, &c.....                                                                                                                                                                                    | 1,069 28    |
| Royal Insurance Company, Insurance on vessels.....                                                                                                                                                                    | 740 00      |
| Queen do do do .....                                                                                                                                                                                                  | 740 00      |
| Sexton & Mullin's account, beef, &c.....                                                                                                                                                                              | 1,962 55    |
| Corse & May's account, paints, oils, &c.....                                                                                                                                                                          | 628 33      |
| Richelieu Company's account for services.....                                                                                                                                                                         | 875 17      |
| James Strachan, bread account.....                                                                                                                                                                                    | 622 55      |
| Mitchell & Gear's account, sugar and tea, &c.....                                                                                                                                                                     | 353 47      |
| C. E. Armstrong's account for services.....                                                                                                                                                                           | 246 00      |
| James Mathewson & Son, soap and tallow.....                                                                                                                                                                           | 225 47      |
| M. Champagne's account for chains, anchors, &c.....                                                                                                                                                                   | 400 00      |
| Alex. Fleck's do castings, &c.....                                                                                                                                                                                    | 141 42      |
| M. McKenzie's do oakum, pitch, &c.....                                                                                                                                                                                | 11 89       |
| J. F. Sincennes' do towing.....                                                                                                                                                                                       | 24 00       |
| Lymans Clare & Co.'s account for mercury.....                                                                                                                                                                         | 12 67       |
| Gilmour & Co.'s account for pork.....                                                                                                                                                                                 | 73 20       |
| Wm. Rodden & Co.'s account for stoves.....                                                                                                                                                                            | 52 00       |
| Thomas Ossalin, loading and carting coals to barges in port...                                                                                                                                                        | 94 27       |
| Sundry parties for carting goods to Sorel.....                                                                                                                                                                        | 69 75       |
| Thomas Davidson, making tin cans.....                                                                                                                                                                                 | 7 25        |
| L. St. Louis, for oils, &c.....                                                                                                                                                                                       | 30 00       |
| C. Sullivan's account for two anchors.....                                                                                                                                                                            | 50 00       |
| George Winks & Co., for blankets.....                                                                                                                                                                                 | 13 65       |
| Arrears to two men discharged.....                                                                                                                                                                                    | 10 00       |
| R. Graham & Co., for stationery.....                                                                                                                                                                                  | 4 89        |
| Clark Fitts' account for biscuits.....                                                                                                                                                                                | 3 47        |
| A. G. Nish, for removing scow.....                                                                                                                                                                                    | 2 90        |
| Charbeneau, for two barrels of onions.....                                                                                                                                                                            | 4 50        |

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\$74,289 33

Less—Proceeds of sale of scrap iron .....

253 51

---

Total expenditure..... \$74,035 82

(Signed,)

H. H. WHITNEY,

Secretary.

Harbour Commissioner's Office,  
Montreal, 6th January, 1865.

MONTREAL, 10th January, 1864.

The Honorable John Young,  
Chairman.

SIR,—You will observe by the statement I sent you yesterday that the expenditure

|                                                                  |             |
|------------------------------------------------------------------|-------------|
| for Lake and River Works for the year just ended amounts to..... | \$74,035 82 |
| Amount received from Government.....                             | 45,000 00   |

|                                          |           |
|------------------------------------------|-----------|
|                                          | 29,035 82 |
| Balance of appropriation to receive..... | 21,000 00 |

Deficiency for 1864..... \$ 8,025 82

*Memorandum.*—These deficiencies, since the assumption of the Works by the Government, in 1860, up to the present time, amount to \$81,221, as will be seen by the statement below, and has been advanced by the Harbour Revenue.

In our letter to Mr. Page, dated 22nd October, 1863, page 12, the amount advanced from Harbour Revenue was in :—

|                    |              |
|--------------------|--------------|
| 1860.....          | £ 3,682 8 11 |
| 1861 and 1862..... | 10,965 1 4   |

£14,647 10 3 or \$ 58,595 00

|                           |           |
|---------------------------|-----------|
| Expenditure for 1863..... | 35,484 64 |
| Do 1864.....              | 74,035 82 |

\$168,110 51

Received from Government since the statement was prepared for Mr. Page :—

|                                  |             |
|----------------------------------|-------------|
| On account for work in 1863..... | \$12,051 11 |
| “ “ 1864.....                    | 45,000 00   |

From Trinity House balance on buoys..... 617 88

Amount transferred from Lake Works and debited to Harbour as explained in our letter to Mr.

Page of 6th Oct., 1863, page 24, £7,305 1 4 29,220 28

86,889 27

\$ 81,221 24

When the balance of the appropriation which we now ask for is paid, viz., \$21,000, there will still remain, as contributed from the Harbour Revenue, the large sum of \$60,221.84.

(Signed,)

H. H. WHITNEY,  
*Secretary.*

(Copy of No. 71,593.)

MEMORANDUM.—IMPROVEMENTS—LAKE ST. PETER.

|                     |            |              |
|---------------------|------------|--------------|
| Appropriations..... | 1860 ..... | \$64,000 00  |
| Do .....            | 1861 ..... | 60,000 00    |
| Do .....            | 1864 ..... | 20,000 00    |
| Do .....            | 1865 ..... | 46,000 00    |
|                     |            | \$190,000 00 |

|              |                      |              |
|--------------|----------------------|--------------|
| Payment..... | 1860, A. Clark,      | 32,000 00    |
| Do .....     | 1861, C. Hart,       | 32,000 00    |
| Do .....     | 1863, A. Clark,      | 17,748 89    |
| Do .....     | J. Page,             | 240 50       |
| Do .....     | 1864, H. H. Whitney, | 12,051 11    |
| Do .....     | do do                | 20,000 00    |
|              |                      | \$114,240 50 |

Balance..... \$75,759 50

OTTAWA, 29th September, 1864.

The Secretary of Public Works.

SIR,—I beg to enclose herewith a letter addressed to me by the Hon. John Young, Chairman of the Harbour Commissioners of Montreal, accompanied by a letter sent to him by the Secretary of that Trust, shewing the expenditure that had been incurred on Lake St. Peter and the River St. Lawrence improvements, between the 1st January and 1st September, 1864.

It will be seen, from the records of the Department, that in 1860 the lake and river improvements referred to were assumed as Provincial Works, and that an arrangement was made for them to be carried on as heretofore, under the management of the Harbour Commissioners who were to complete the channel throughout to a depth of 20 feet, for which purpose the Government was to furnish the Trust with funds to the extent of \$160,000.

The works, from that date up to the fall of 1863, were carried on by the Trust in good faith, and the suggestions made by me last spring have been acted upon by transferring the two dredges (generally employed in the harbour) to Lavaltrie, for the purpose of facilitating the deepening and improving of the channel there.

It may be further stated that, after a rigid enquiry into matters connected with the management of the Trust, the mode of keeping accounts, &c., I am of opinion that the whole has been conducted in as creditable and economical a manner as could, under the circumstances, have been expected.

The Trust has, I believe, been paid on account of the agreement of 1860, the sum of \$114,000, leaving a balance of \$46,000 still to be paid.

It will be seen, from the statement of the Secretary, that the sum of \$45,497.06 has been expended for repairs, work done, &c., this year. After an examination of the accounts and pay lists there is every reason to believe this statement to be correct.

I am, therefore, of opinion that a further sum of \$25,000 might be paid to the Trust on account of work done and preparations made; the balance of \$21,000 to be retained until after an examination had been made of the channel.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) JOHN PAGE,  
Civil Engineer Public Works.

John Page, Esq.,  
Chief Engineer, Public Works.

OTTAWA, 27th September 1864.

SIR,—I went, by request of the Harbour Commissioners of Montreal to Quebec, last week, to obtain some money on account of the works now being carried on in Lake St. Peter and other parts of the river, to secure a 20-foot channel at low water, between Montreal and Quebec.

You are aware that the Commissioners were to receive from the Government the sum of \$160,000, and that of this sum \$114,000 has been received, leaving \$46,000 due, which was included in the Estimates of last Parliament.

Since January the Commissioners have expended \$45,497, besides several sums yet due and unpaid, and as there is yet two months' work to perform before the close of the season, it is probable the amount expended up to that time will exceed \$60,000.

The Hon. Mr. Galt, Finance Minister, said to me that he could not pay any part of this amount without a certificate or report from you, and I have come here to lay the matter before you, because it is impossible for the Harbour Commissioners to go on paying so much money for this work out of their funds. Not a penny has been received from Government this year, and with other demands on the Trust, it is imperative this matter should receive attention, and as you are perfectly acquainted with the position of the works, I trust you will report to the Department at Quebec, on the subject, as early as possible. As suggested by you in the spring, not only the two dredges usually employed in the lake but the two dredges heretofore employed in the harbour, have all been to work at the season, the former in the lake and the latter at Lavaltrie, so that there is every

prospect of the channel being completed early next season, in accordance with the agreement made with the Government.

Yours very truly,  
(Signed,)

JOHN YOUNG,  
*Chairman, Harbour Commissioners.*

P. S.—I enclosed a letter from the Secretary to me, with full details as to the expenditure.

J. Y.

HARBOUR COMMISSIONERS' OFFICE,  
Montreal, 24th September, 1864.

The Honorable John Young,  
Chairman, Harbour Commissioners.

SIR,—I beg to furnish you with the particulars of the expenditure alluded to in my letter of 20th inst, for the improvement of the channel of navigation in Lake St. Peter and other places in the river between Montreal and Quebec, *viz.* :—

|                                                                                     |             |
|-------------------------------------------------------------------------------------|-------------|
| Captain Armstrong's pay sheets.....                                                 | \$19,003 95 |
| Coals.....                                                                          | 16,968 71   |
| W. P. Bartley & Co., repairs to vessels.....                                        | 1,146 79    |
| D. & J. McCarthy & Co., do .....                                                    | 977 99      |
| Tait, Power & Co., do .....                                                         | 750 00      |
| Sexton & Mullins on account for beef.....                                           | 840 00      |
| James Strachan do .....                                                             | 250 00      |
| Kingan, Winning & Mair, on account for provisions, groceries,<br>rope, &c., &c..... | 800 00      |
| Frothingham & Workman, account for iron, steel, nails, &c.....                      | 1,844 75    |
| Boyer & Hawley, pork, flour, &c.....                                                | 757 45      |
| Gilmour & Co., do .....                                                             | 73 20       |
| Mitchell & Gear, sugar, tea, &c.....                                                | 241 84      |
| E. E. Armstrong's account for services.....                                         | 246 00      |
| J. Mathewson & Son, account for soap and oil.....                                   | 75 36       |
| Sundry parties for loading and carting coals.....                                   | 94 27       |
| do do carting supplies to Sorel.....                                                | 69 75       |
| C. Sullivan, account for anchors.....                                               | 50 00       |
| Clark Fitt's, do biscuit.....                                                       | 3 47        |
| Wm. Rodden & Co., account for stoves.....                                           | 52 00       |
| Capt. Armstrong's to pay arrears of wages to two men dis-<br>charged.....           | 10 00       |
| "Queen Insurance Co.," insurance on steamers and dredges....                        | 740 00      |
| "Royal Insurance Co., do do do .....                                                | 740 00      |
| J. Davidson, account for making tins.....                                           | 7 25        |
| R. Graham & Co., stationery.....                                                    | 4 98        |
| Nish, paid for removing scow.....                                                   | 2 90        |
|                                                                                     | <hr/>       |
|                                                                                     | \$45,750 57 |
| Less proceeds of sale of scrap iron.....                                            | 253 51      |
|                                                                                     | <hr/>       |
|                                                                                     | \$45,497 06 |

As mentioned in my letter of last week, there are still unsettled accounts which will amount to about \$4,000 more, besides, as you are aware, the Commissioners have been obliged to purchase the steamer *Bell*, at a cost of \$3,500, to attend on the dredges Nos. 1 and 4, at Lavaltrie, so that no time should be lost there.

I have the honor to be, Sir,

Your obedient servant,  
(Signed,) H. H. WHITNEY,  
*Secretary.*

(Copy of No. 67,598.)

LACHINE CANAL OFFICE,  
Montreal, 23rd December, 1863.

The Secretary of Public Works, Quebec.

SIR,—I beg to enclose herewith a letter recently addressed to me by the Harbour Commissioners of Montreal, applying for the balance of appropriation on hand for Lake St. Peter and the River St. Lawrence improvements, amounting to \$12,051.11.

The Harbour Trust have expended on these works, up to the 31st December, 1862, fully \$168,000 over the amount of debentures issued, tonnage dues collected, and the amounts received from the Government and all other sources. When the expenditure for the year 1863, assumed for the present at \$36,000, is added, the amount will be \$204,000.

The plant on hand I consider, at the most liberal valuation, is not worth more than \$120,000. Thus the harbour revenues stands debited with \$84,000 for Lake St. Peter and the River St. Lawrence improvements.

I would therefore advise, in accordance with the conditional arrangements made between the Government and the Trust, that pending my general report on this subject, the sum of \$12,051.11, now asked for, be paid over to the Harbour Commissioners.

They are desirous of receiving this amount to meet certain liabilities which fall due on the 5th day of January next.

I have the honor to be Sir,  
Your obedient servant,  
(Signed,) JOHN PAGE,  
*Chief Engineer Public Works.*

HARBOUR COMMISSIONERS' OFFICE,  
Montreal, 18th December, 1863.

SIR,—At a meeting of the Board of Harbour Commissioners yesterday the following resolution was passed, which I am instructed to send you :—

“Resolved, That Application be made to John Page, Esq., Chief Engineer, Public Works, for certificate of work done in Lake St. Peter, so as to obtain \$12,051.11, balance of the appropriation of \$30,000, placed at the disposal of the Department of Public Works by an Order in Council, dated 21st July, 1862, for the further improvement of Lake St. Peter.”

The Commissioners will feel obliged by your taking the necessary proceedings to obtain the money from the Government.

I have the honor to be, Sir,  
Your obedient servant,  
(Signed,) H. H. WHITNEY,  
*Secretary.*

To John Page, Esq.,  
Chief Engineer, Public Works, Montreal.

(Copy Letter No. 65,680.)

QUEBEC, 20th August, 1863.

The Secretary of Public Works.

SIR,—I beg respectfully to acknowledge the receipt of your letter of the 18th instant, No. 46,452, including a number of documents relating to the improvement of the channel-way through Lake St. Peter, and making certain enquiries in reference thereto.

In reply I have the honor to state, that these documents do not contain sufficient information to warrant me in expressing a decided opinion, regarding the actual amount said to have been expended, or whether it has been “judiciously” applied to the “purpose contemplated” in the Order in Council, dated 21st July, 1862, to which my attention is specially directed by your letter.

I may further state, that it appears to be questionable whether any course can now be adopted, which can strictly be considered as a complete check on the outlay upon dredging done several months ago in Lake St. Peter, although, it is quite possible that, an examination of the mode in which the operations are now conducted, together with a careful enquiry into circumstances connected with the past, may enable a tolerably correct

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opinion to be formed, of what may be termed the "reasonableness" or otherwise of the expenditure.

If the documents referred to me, however, convey a correct idea of the understanding arrived at, or the basis on which an arrangement is contemplated between the Government and the Montreal Harbor Trust, it is evident that a much larger expenditure than that mentioned in the Order in Council is likely to take place.

In this view of the matter it appears to me, that the future surveillance of the operations is even of greater importance than a rigid enquiry into the past; but in order to arrive at a proper understanding of the class of superintendence necessary to be adopted, it is indispensable that an enquiry to a certain extent should be made.

It is therefore, in my opinion, desirable that the Government should appoint a competent officer to examine in detail into the manner in which the dredging operations have been and are now carried on; ascertain how the accounts are kept, and the check there is upon them; where the dredges have been generally employed, and if at places other than the River St. Lawrence or Lake St. Peter; to ascertain how their maintenance and working expenses have been apportioned.

It is also necessary in the event of a further appropriation being made towards these improvements, that at least a cursory examination of the channel should be made. To facilitate which reference might be had to the survey made in 1858 and 1859 under the direction of Captain Orlebar, Hydrographer to the Admiralty, and to a survey of Lake St. Peter made in the winter of 1862 by the Engineer to the Harbour Trust.

In order to carry out the course above intimated, the officer to whom this duty is intrusted should have access to such of the books and accounts kept by the Harbour Trust as may be necessary for that purpose, and the Harbour Trust should be requested to instruct their principal officers and others in their service, conversant with the works, to put themselves in communication with the officer sent by the Government, and to furnish him such information as they possess and he may call for, relating to the matter in question.

The foregoing is a brief outline of all that appears to be at present required; it is, however, not unlikely that a more elaborate enquiry may ultimately be found necessary, but, as the season is now far advanced, it is desirable that whatever course is to be adopted should be determined as early as circumstances will admit.

I am, Sir, your obedient servant,  
(Signed,) JOHN PAGE,  
*Chief Engineer, Public Works.*

# RETURN

To an Address of the SENATE, dated 18th May 1868.; for Copies of any Correspondence, proposals or suggestions received during the present Session of Parliament, by the Honorable the Minister of Marine and Fisheries, having reference to deepening and improving the Ship Channel between Quebec and Montreal, and to re-constructing and uniting the Trinity Board and Harbour Trust of Montreal.

By Command.

HECTOR L. LANGEVIN,  
Secretary of State]

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 19th May, 1868.

(Copy.)

MONTREAL, 25th April, 1868.

SIR,—I have the honor to send you, herewith, a petition from the merchants of Montreal, referring to the management of the River and Harbour, and I beg the favor of your submitting the same to the Council as early as possible.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

HUGH ALLAN.

The Honorable H. L. Langevin, C.B., &c., &c., &c.,  
Ottawa.

MONTREAL, 17th April, 1868.

TO HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL,  
The Petition of the undersigned, Merchants, of Montreal,

SHEWETH :

That during several years past the work of deepening the River St. Lawrence between Quebec and Montreal has been carried on under the control of the Harbour Commissioners of the latter city. That a considerable measure of success has been attained, the shallow places in the channel having been so deepened as to admit of vessels drawing about eighteen feet of water to pass in place of about eleven feet, as was the case before this work was commenced.

That there are several places in the river where the work has not been completed, more especially at Cap-à-la-Roche, at Cap Lizzard, at the shoal below Lavaltrie, and at Point au Tremble (*en haut*), and it is desirable to proceed with the work at these places, so as to render the entire channel safe and available to the full extent of the deepest work already done.

That the competition which exists in the carrying trade to and from Europe, between this City and New York, makes it necessary to employ even a larger class of vessels than was contemplated when this work was commenced, vessels in fact as large as the class employed in the trade out of New York.



That the employment of this class of vessels will involve a still further deepening of the River and Harbour of Montreal, and that this work should be recommenced and continued till a channel of a uniform depth of not less than twenty-four feet and four hundred feet wide is obtained throughout the whole distance between Quebec and Montreal.

That this is essentially a work in which the whole Dominion is interested, and has always been regarded as such, the expense of the work having been borne hitherto by the Province of Canada, and should now be borne by the Dominion, but to provide for present emergencies it is expedient in the meantime to meet the interest on the cost of this work by a tonnage tax on all vessels using the river drawing more than nine feet of water.

That two corporate bodies are in existence in Montreal, viz, the Trinity Board and the Harbor Commissioners, each of which has certain and to some extent conflicting powers in connection with the river and the harbour, and it is desirable to consolidate these Corporations into one body, so that the duties may be more effectually performed.

That the Act authorizing the deepening of the River and Lake having been repealed in the year 1864, new powers for carrying on the work are now necessary.

Wherefore, your Petitioners pray that the Government will procure the necessary legislation to repeal the Acts establishing the "Trinity Board" and the "Board of Harbour Commissioners," and to establish a Board called the "Conservators of the River St. Lawrence and Harbour of Montreal," endowed with all the powers now possessed by these respective bodies, and with further power to improve, deepen and maintain the said River and Harbour, and the pay for the expense of the same by the issue or sale of debentures, and to levy a tax to pay the interest of the same on all vessels drawing more than nine feet of water, which may use any part of the said River above Port Neuf (*en haut*.)

That this Board shall consist of eight persons, one of whom shall be appointed by the Government of the Dominion, one by the Corporation of the City of Montreal, and the remaining six shall, for the first year, be appointed by the Government, all of which six shall go out of office on the 1st April following their appointment, and shall then and thereafter be elected by the parties whose vessels or goods have been taxed by this Board in the previous year.

Each contributor of not less than one hundred dollars having one vote, and an additional vote for every one hundred dollars paid during the year previous to the election, but no individual firm to have more than ten votes.

Two of the number thus elected shall go out of office in each year by rotation, but may be re-elected.

The Board shall choose its own Chairman and appoint and pay its officers.

That the accounts of the receipts and expenditure of the said Board shall be rendered yearly to the Government on the 1st day of March, and shall also be published in at least two newspapers in the City of Montreal, and the election of the Board shall be held on the second Monday in April of each year.

And your Petitioners will ever pray, &c.

(Signatures.)

Hugh and Andrew Allan,  
Gillespie, Moffatt & Co.,  
Rimmer, Gunn & Co.,  
Hugh Fraser,  
D. Masson,  
Kenny, Bros.,  
F. Crathern,  
John Redpath & Son,  
Geo. Stephen,  
J. B. Auger, & Co.,  
Hugh Mc Lenan,  
Z. Benoit & Co.,  
Budden & Crawford,  
T. J. Claxton & Co.,  
Robert Stephen & Co.,  
David Torrance,  
Robert DeLisle,

Buchanan & Co.,  
Henry Chapman & Co.,  
Thos. Gordon & Co.,  
A. Mitchell & Co.,  
Ira Gould & Sons,  
John Hope,  
Alex. Creighton,  
Thos. Macduff,  
J. A. Mathewson,  
B. D. MacPherson,  
Joseph MacKay & Brothers,  
Ogilvy & Co.,  
Lewis Guay & Co.,  
Thomas Thibaudeau & Frères,  
Tiffin & Bros.,  
Sinclair, Jack & Co.,  
John Sinclair.

(No. 84.)

**RETURN**

To an Address of the HOUSE OF COMMONS, dated 27th April, 1868; for a Statement of all accounts rendered to the Government by the Proprietor of the Gazette de Sorel; and likewise a Statement of all moneys paid to the same, with the date of such payments; the whole since 1862 inclusive.

By Command<sup>s</sup>

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 15th May, 1868.

(No. 85.)

**R E T U R N**

To an Address of the HOUSE OF COMMONS, dated 30th March, 1868; for a detailed account of item in the Public Accounts, for year ending June 30th, 1867, Page iii, entered as "Work done in alterations, Parliament Buildings, &c.," \$14,613.29, paid to R. McGreevy; also item on same page, entered as "For work done fitting up buildings," \$21,428.69; also, for detailed statement of Mr. Garth's accounts for heating the Parliament Buildings and Departmental Buildings.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 21st April, 1868.

# RETURN

To an Address of the HOUSE OF COMMONS, dated 4th May, 1868; For Copies of Contracts entered into with Robert H. McGresvy, for work on Public Buildings at Ottawa.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 14th May, 1868.

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# RETURN

To an Address of the HOUSE OF COMMONS, dated 4th May, 1868; For a Statement skewing the particular items of work performed on the Parliament Buildings, under the authority of Letters numbers 56,987, 53,840, 57,295, 57,332, 57,272, 58,587, 57,689, 57,851, 58,563, and 53,840, which were paid for at the rates provided in the schedule attached to the contract, and also for a Statement of items of work paid for without the application of the Schedule rate.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 14th May, 1868.

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## RETURN

To an Address of the SENATE, dated 23rd March, 1868; For Copies of any Correspondence between the Local Governments of Nova Scotia or New Brunswick, or any Association of individuals in those Provinces, with the Government of Canada, or any Heads of Departments, complaining of losses or grievances, consequent upon the operation of any of the Acts passed by the Parliament of Canada, during the early part of this Session, relative to Customs' Tariff, Excise and Banking, affecting the interests of those Provinces.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 21st April, 1868.

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OTTAWA, 2nd April, 1868.

SIR,—I have the honor to forward enclosed Copies of Memorials from the Merchants of St. John, New Brunswick, and Halifax, Nova Scotia, furnished from this Department in compliance with an Address of the Senate, dated March 23rd.

I have the honor to be, Sir,

Your obedient servant,

CHARLES P. BLISS,  
*Secretary.*

The Honorable H. J. Langevin,  
Secretary of State.

*COPY of Communicatïon or Memorial from the Merchants of Halifax, Nova Scotia to the Honorable the Minister of Customs, furnished in accordance with an Address of The Senate, dated March 23rd.*

To the Honorable the Minister of Customs,  
Dominion of Canada.

The undersigned Merchants and Importers of the City of Halifax, beg respectfully to present their views on the subject of the Tariff, so far as it affects the West India Trade, in which they are so deeply interested.

They feel that the operation of the Tariff regulating the duty on sugar and rum is oppressive to our people and injurious to the State, and should no change take place whereby the importing interests of the Maritime Provinces may be subserved, confidently assert that the West India Trade (one of our great sources of prosperity in the past, will

be most seriously damaged, and this result would interfere, to a large extent, with the prosecution of our Fisheries.

The present duties on raw sugar are \$3, \$2.60, \$2.25, \$1.90, \$1.68 and \$1.37 per 100 lbs., according to quality, ranging from choice grocery to melado. In lieu of this scale, they would propose that a uniform rate of one dollar per 100 lbs. and 20 per cent., *ad valorem*, be charged on all grades of sugar imported. One very great advantage to be derived from this plan consists in its obviating the present irregularity that must of necessity arise in classifying the various grades. The great number of Ports of Entry of Nova Scotia doing business with the West Indies must render it difficult, if not impossible, to preserve uniformity in classification. Speculators would frequently find it profitable to purchase sugars, duty paid, in one part of Nova Scotia and sell the same in another; whence, if imported direct, the duty would have been greater. This practice would obviously interfere greatly with the regular importer.

The duty on rum has also been so advanced upon our late too high rates that the poorer classes, who chiefly consume this class of spirits, are seriously burdened by its increased cost. It is true that the duty on whiskey has been reduced; but this does not, nor will not have the effect of forming anew the tastes of those of our people who will use West India rum even if the cost be enhanced by a high duty. Another serious objection to a high duty on rum is the encouragement it affords to illicit trade. It is well known that when the duty was reduced at one time in Nova Scotia, the revenue was increased. Advance the duty and the reverse must inevitably occur, owing to the numerous facilities afforded along our extended coasts for the operations of the smuggler.

The great object of Legislation should be to promote reciprocal trade between the Maritime and Upper Provinces.

Every facility should be given for an interchange of the varied products of each.

Under a fair Tariff cargoes of West India produce will, as usual, be returned for shipments of fish, lumber, &c. Our coals, gypsum, &c., will be shipped in exchange for the flour, barley, pease, &c., of Outario and Quebec, making cargoes both ways—either by Gulf of St. Lawrence or *via* Grand Trunk Railroad, by which means a reciprocal trade can be sustained.

The charges, commissions, freight, &c., now being paid to merchants of New York, and to foreign vessels and railroads, would be retained among ourselves, thus benefiting the whole people of the Dominion.

(Signed,)

W. B. Hamilton & Co.,  
 B. Wier & Co.,  
 Black, Brothers & Co.,  
 Lawson, Harrington & Co.,  
 S. A. White & Co.,  
 Gilbert R. Frith, Jun.  
 J. S. Maclean & Co.,  
 Thomas A. S. DeWolfe & Son,  
 Salter & Twining,  
 E. D. Tucker & Co.,  
 A. Keith & Son,  
 John Doull,  
 B. O'Neill,  
 Lordly & Stimpson,  
 Alex. McLeod & Co.,  
 S. W. Chipman & Co.,  
 Andrew Billings & Co.,  
 Thomas E. Kenny,

W. M. Richardson,  
 John Tobin & Co.,  
 W. M. Harrington & Co.,  
 J. G. A. Creighton & Son,  
 J. S. Wainwright & Co.,  
 George H. Starr & Co.,  
 Simon E. Barss,  
 James J. Bremmer,  
 G. C. Harvey,  
 Jonathan Pugh,  
 George Piers,  
 Shaw & Murphy,  
 Coldford Brothers,  
 William Powers,  
 James Scott,  
 Frazer, Painter & Co.,  
 George P. Mitchell & Son.

Halifax, Nova Scotia, February 28th, 1868.

COPY of a Communication or Memorial from a Committee of the Merchants of Saint John, New Brunswick, to His Excellency the Right Honorable Charles Stanley, Viscount Monck, Governor General, &c., &c., and the Honorable the Privy Council of the Dominion of Canada, furnished in accordance with an Address of The Senate dated March 23rd.

To His Excellency the Right Honorable Charles Stanley, Viscount Monck, Governor General, &c., &c., and the Honorable the Privy Council of the Dominion of Canada, the Petition of the undersigned Inhabitants of the City and County of St. John, in the Province of New Brunswick,

RESPECTFULLY SHEWETH :

That your Petitioners, being engaged in commerce, manufactures, and other branches of industry, are deeply interested in the policy of the Dominion of Canada, and regret to have to represent that the Tariff now in force is, in many respects, very unacceptable to the people of New Brunswick and injurious to various branches of Provincial industry.

That your Petitioners being fully alive to the necessity of providing a revenue adequate to the exigencies of the Dominion, and understanding that the present Tariff is not likely to yield an excess of revenue, desire only to crave that the burden of taxation may be so adjusted as that the evils complained of may be obviated and the operation of the Tariff and other laws, enacted by the Parliament of Canada made more satisfactory to the people of this part of the Dominion.

That with a view to provide a revenue sufficient to make up for the remissions of duty and other imposts which your Petitioners crave, and which will be herein set forth, and also to provide for the more equitable distribution of such duties, your Petitioners have agreed to make the following representations to your Honorable Council :

That wines of all kinds, including champagne and other sparkling wines in wood and bottle, should pay twenty-five cents per gallon, and twenty per cent *ad valorem*.

That wine and spirits in bottles, of the ordinary description of wine bottles, should only pay on the contents thereof, say  $2\frac{3}{4}$  gallons to the case, or five bottles to the gallon.

That all beer and porter, in wood and bottle, should pay ten cents per gallon.

That brandy should pay one dollar per gallon proof, per Sykes' hydrometer.

That the excise duty on alcohol should be seventy cents per gallon.

That the import duty on spirits should be regulated with regard to strength, that is when under proof by Sykes' hydrometer, that spirits should pay so much less in proportion, as is now the case with regard to the excise duty.

That all packages, including bottles, as well as those containing wines, spirits and malt liquors, as all others, should be free of duty.

That the duty on dried fruits should be changed from 15 to 25 per cent *ad valorem*, and that oranges and lemons should be charged 15 per cent. *ad valorem*.

That a duty of  $2\frac{1}{2}$  per cent. *ad valorem* be charged on all iron except nail and boiler plate iron, and that all anchors, chains and cordage, without respect to sizes as distinguished in the free list, be admitted at and pay a like duty of  $2\frac{1}{2}$  per cent.

That printed books be subject to a duty of five per cent., with the exception of bibles and testaments and parts thereof.

That the increased revenue thus provided for be applied to the remission or lessening of the duties and other imposts which follow, and that any excess of revenue beyond what is required for these purposes, arising from the increased taxes thus recommended, be applied in the same direction, and may go towards decreasing the duties imposed on articles of common consumption.

That grains and breadstuffs of all kinds be admitted free of duty, as also bran and horse feed.

That printing paper, which is abundantly protected by such considerations as are involved in freight, commissions, &c., and also type and other materials used in printing be admitted free of duty.

That the imposition of newspaper postage, although defensible in principle, is most impolitic, and ought to be dispensed with.

That the duty on molasses be two cents per gallon, and ten per cent. *ad valorem*.

That although a special memorial will be presented on the important subject of the

West India trade, your Petitioners desire to join in representing that the duties on raw sugars should be one cent per pound and 20 per cent. *ad valorem*.

That the remission of these duties on articles of common consumption will help to give effect to the enlightened policy of the Government in admitting articles used in ship-building and other manufactures duty free; whereas, if the increased duties on the necessaries of life be continued, the effect will be to cause a corresponding advance in wages, and thus prevent the manufacturing interests from deriving that advantage from the free list which it is intended that they should do.

That all raw materials entering into the composition of or necessary to the improvement of useful manufactures of every kind be free from duty.

That drawbacks on exportation should apply not only to articles exported in original packages and condition, but also to the products of manufactures from goods on which duty has been paid, equivalent to the amount of duties paid thereon as nearly as the same can be ascertained, and that owing to the want of any provision of this kind under the Tariff, similar to that formerly existing under the laws of the Province of New Brunswick (save as regards Prince Edward Island and Newfoundland), certain manufactures for export have been closed, and the employees discharged.

That the present custom of retaining original invoices at the Custom House is much complained of by importers, and that it be done away with and invoices initialed and returned to the owners as was formerly the practice.

That the practice of sending every tenth package to warehouse for examination will prove very tedious and annoying to large importers in the busy season, as well as the apparent sense of the 53rd section of the Customs' Act, and that they impose restrictions on trade hitherto unknown in this community and most injurious to business, and that your petitioners believe they are wholly unnecessary for revenue purposes.

That duties should only be paid on the net amount of Invoices, that is upon the actual first cost of the goods, and not upon the face of the invoice, inasmuch as by the latter mode the purchaser is virtually made to pay duties on the amount of the discounts obtained by him in return for cash payments.

That pitch pine plank, when imported for ship building purposes, having apparently been omitted from the list of free goods designed for use in ship building purposes, is now believed to be liable to a duty of 15 per cent. and should be placed on the free list.

That with a view to prevent frauds and obviate the difficulty of defining the purpose for which certain articles are imported, it is recommended instead of the differential duties now imposed on canvas, duck and sail cloth; an uniform duty of 2½ per cent. be placed upon canvas of all kinds, linen and cotton, duck and sail cloth; and that felt of all kinds, whether for hats, boots, steam packing for machinery or otherwise; also, hat plushes, shoe threads, machine threads, silk twist and sewing silks of all kinds be subject to a duty of five per cent.

May it therefore please your Honorable Council to take these matters into your most serious consideration, and to afford such relief in the premises as to your wisdom shall seem meet. And your Petitioners will ever pray.

|            |                |                       |
|------------|----------------|-----------------------|
|            | }              | THOMAS W. DANIEL,     |
|            |                | JOHN BOYD,            |
|            |                | GEORGE STYMEST,       |
|            |                | JOHN MAGEE,           |
|            |                | T. B. BAKER,          |
| Committee, |                | W. G. LAWTON,         |
|            |                | GEORGE E. SNIDER,     |
|            |                | J. H. KINNEAR,        |
|            |                | J. & F. BURPEE & Co., |
|            |                | SIMEON JONES,         |
|            | WILLIAM ELDER, |                       |

A. JARDINE,  
Chairman of Committee.

A. ROBERTSON,  
Secretary.

St. John, New Brunswick, 18th March, 1868.

(Copy.)

DEPARTMENT OF INLAND REVENUE,  
Halifax, 2nd January, 1868.

SIR,—Under the late Customs Tariff of Nova Scotia, unmanufactured leaf tobacco was subject to a duty of five cents per pound, while in the other Provinces of the Dominion it has been admitted duty free.

The result of this is that the leaf tobacco in process of manufacture on the 13th ult., when the new excise law came in force, and that on hand at that date which had paid the Customs duty, is subject to an additional excise duty of ten cents.

This the manufacturers here complain of, as it places them at a disadvantage as compared with the manufacturers in the other portions of the Dominion, who have obtained their leaf duty free.

It would seem to be but fair that a drawback to the amount of the Customs duty should be allowed on all the leaf which, having paid the Customs duty, has, under the operation of the new law, been chargeable with the excise duty thereby imposed.

I bring the matter to your notice at the request of the tobacco manufacturers here, and would respectfully request your instructions in regard to it.

I have, &c., &c.,  
(Signed,) ARCH. PATTERSON,  
*District Inspector.*

Thos. Worthington, Esq.,  
Commissioner of Inland Revenue, Ottawa.

(Copy.)

FRESH WATER TOBACCO FACTORY,  
Halifax, N. S., December 27th, 1867.

Hon. Wm. P. Howland, C. B., &amp;c., &amp;c.

SIR,—We beg leave to ask your favorable consideration of the following points in regard to the change in the system of duties levied on our branch of industry from the Customs duty of 5 cents per pound on the leaf, and 10 per cent. on the liquorice and sugar entering into the manufacture, to the excise duty of 10 cents per pound on the manufactured article.

When the excise law came into force we had in our factory eight or nine thousand pounds of tobacco, on which we have paid a duty of 5 cents per pound to the Province of Nova Scotia, which was in process of manufacture. We were thus in the act of fulfilling a contract with Nova Scotia. One part of the contract (paying the duty) was fully complied with, and Nova Scotia had thereby agreed to allow us to manufacture and sell in her limits the manufactured tobacco. We claim that under a constitutional form of Government there is no power to impair the obligation of a lawful contract, and that we should be allowed to complete the contract with Nova Scotia, and put this tobacco into the market without paying any further duty on it. We are so well convinced that the justice of this claim will be acknowledged, that we will not doubt the result of your action.

There is another point to which we beg leave to invite your particular attention, and we hope you will take the suggestions we offer in the spirit in which we offer them: In our business we have to meet a loss estimated by some as high as 28 per cent. from stems and waste; we put ours at 25 per cent. It is usual to count the liquorice, sugar, spirits of wine, &c., as equal to the loss on stems, &c.; we think it will fall 5 per cent. short of that: but, supposing that 100 pounds of leaf turns out, when manufactured, an equal weight, we will thus have in every box of 100 pounds from 20 to 25 per cent. of ingredients on which a heavy duty has already been paid to the Customs, and which cannot stand an additional excise duty of 10 cents per pound. Sugar and liquorice would thus have to pay 12 or 13 cents per pound duty more than the original cost. These high duties bring the cost of manufacture to such a point, that the manufacturer, unless backed by enormous capital and able to turn out large quantities, must stop, and thus men of small capital are shut out. The smuggler will come in for the lion's share of the profits, for it is perfectly certain that excessive duties tend to a general demoralization of the people. It would be utterly impossible to stop smuggling in Nova Scotia. All the revenues of the Dominion would not pay the officials necessary to watch such a coast, if the business is made to pay by excessive duties. We do not think that tobacco, such as has been used here and sold for 25 to 27 cents per pound, can be sold for less than 32 to 34 cents, and



at these prices the smuggler will usurp the place of the manufacturer, and factories must stop. We respectfully suggest that when tobacco is weighed for the excise duty that those articles in it, which have already paid Customs duty, should be exempted; in other words, that 100 pounds weight should pay duty on only 80 pounds net, for there will be only that weight or less of tobacco in it.

We are respectfully,

GEO. L. SINCLAIR & Co.

If this cannot be done, then the Manufacturer, by all means, should pay no customs duty on articles on which he will have to pay the excise.

(Copy.)

FRESH WATER TOBACCO FACTORY,  
Halifax, N. S., 3rd February, 1868.

The Honorable

the Minister of Internal Revenue.

SIR,—We addressed you last month claiming the right to complete a contract we had fulfilled on our part with this Province by paying the duty on a stock of tobacco, actually in process of manufacture at the time that the Excise Laws of Canada were extended over this Province.

We were very doubtful whether our small capital would sustain a factory under the changed condition, but we determined to try to the extent of working up the stock on hand, say seven to nine thousand pounds.

We have worked up a portion of this stock, 3,178 lbs., and are forced to stop and discharge our people at this hard season of the year, for we find that the Excise Officers demand a duty of ten cents on stock that has already paid five cents, and which, under our contract with Nova Scotia, we should be allowed to put on the market free of Excise. We cannot pay the Excise and sell at market prices, at a loss of less than two cents per pound.

We now ask that orders may issue to the Excise Board here, exempting the 3,178 lbs. already manufactured from the Excise duty, and that the duty paid to the Customs on the balance of the stock still unworked, or partly worked in our factory, be returned to us, and the stock worked up subject to the Excise tax. This, we think is the least that the Government can grant us.

This is a most important matter to us, and we ask your early and favorable consideration of it.

Very respectfully,

Your obedient servants,

GEORGE L. SINCLAIR & Co.

(Copy.)

INLAND REVENUE DEPARTMENT.

Ottawa, 17th February, 1868.

GENTLEMEN,—Making reference to your communications of the 27th ultimo and 3rd instant, addressed to the Honorable the Minister of Inland Revenue, relative to the difficulties under which the tobacco business labours, consequent upon the provisions of the 31st Vic. c. 8, and the reasonableness of relief being afforded I have the honor to be instructed to inform you that such arrangements will be made as will enable the Minister to authorise the refund of the duty you have actually paid on leaf tobacco which has entered into the production of manufactured tobacco, subsequently charged with the new Excise duty.

And further, I am instructed to inform you that your application for a return of duty upon unmanufactured tobacco, still on hand and not used, cannot be granted unless it be manufactured and made subject to Excise.

I have, &c., &c.,

(Signed,) THOMAS WORTHINGTON,

Commissioner.

Messrs. Sinclair & Co.,

Tobacco Manufacturers, Halifax.

P. S.—Permit me to enclose for your guidance (in regard to the privilege of ware-

housing tobacco in bond, which you seem to have overlooked when treating of the accumulating cost of the manufacture of tobacco) the Inland Revenue Act, and Warehousing Regulations still in force. Sec. 31st Vic., cap. 8 Sec. 88 to 97—99 to 103.

(Signed,)

T. W.

(Copy.)

INLAND REVENUE DEPARTMENT.

Ottawa, February 18th, 1868.

SIR,—Enclosed please receive a communication addressed to Messrs. Sinclair & Co., of your city, Tobacco Manufacturers, (relative to the refunding of duty which they may have actually paid upon leaf tobacco which has entered into the production of manufactured tobacco, subsequently charged with the new excise duty.) which, after perusal, you will have the goodness to cause to be sent to its destination.

In regard to the duty to be refunded, the amount must be ascertained by a careful and rigid examination of Customs entry for consumption, as well as all other circumstances which will lead thereto; you will therefore please to give such instruction to Mr. Collector Tupper as will protect the revenue and afford full justice to Messrs. Sinclair & Co.

So soon as this is completed, you will cause the result to be reported to this Department, when the proper authority will be given to refund the amount arrived at.

I have, &c., &c.,

(Signed,) THOS. WORTHINGTON.

Commissioner.

Arch. Patterson, Esq.,

District Inspector of Inland Revenue, Halifax.

(Copy.)

SAINT JOHN, N. B. 8th January, 1868.

Thos. Hanford, Esq.,

DEAR SIR,—When the Honorable Mr. Mitchell was here a few days ago, we addressed him respecting our tobacco manufacturing business, as per copy of letter herewith. Since then we learn that he will not be in Ottawa until about three weeks hence.

We are desirous of knowing exactly upon what basis we can again work our factory. We think all the other parts of the law can be complied with should the Government relieve us of the part referred to in the letter.

The payment of the duties, and paying them honestly in full, would be to us a very simple and straightforward matter; but the business, by the excise law, is so hampered and will be attended with so much extra trouble, that we are really quite indifferent whether we resume the manufacturing or not.

We are, dear Sir,

Yours, very truly,

(Signed,) J. & R. REED.

(Copy.)

SAINT JOHN, N. B. 3rd January, 1868.

DEAR SIR,—We are aware that the tobacco manufacturing business does not come within your Department, but as you are now here and a member of the Government, we take the liberty of addressing you with reference to the bearing of the excise law upon ourselves.

Up to the passage of the law we had about 120 persons at work in the factory, since then operations have ceased.

To commence again we require, by law, to procure from the Collector of Inland Revenue a license, as per 15th section of the Act, to obtain which we are required not only to give our own bond to the Queen, but to furnish two securities, who are to justify as to their sufficiency before the said Collector.

The law requires, unless the duty be paid, that all tobacco manufactured in the establishment shall be deposited every fortnight in the warehouse, where, so deposited, it is under the lock and key of the excise officer in charge. Several penalties provide against fraud, and the officers have unlimited powers. The machinery in addition to the tobacco, is by the Act directly liable for the duties and penalties, in addition to which our own bond to the Queen is a first lien upon all the property we have in the world.

All this, we should think, ought to be considered by the Government ample security, without requiring from us additional bondsmen.

We are aware of the difficulty of making laws to exactly meet every individual case, but with all due respect, we do think, that if the Collector of Inland Revenue had discretionary powers as to the securities, the purpose intended would be sufficiently protected.

Your bringing this matter before the Government, will confer upon us a great favor, and we feel confident that after taking all the circumstances into account, the Government will relieve us from the operation of that part of the 15th section of the Act which is so exceedingly objectionable and humiliating.

We have the honor to be, dear Sir,

Very truly yours,

(Signed,) J. & R. REED.

Hon. Peter Mitchell,  
Park Hotel, St. John.

(Copy.)

SAINT JOHN, N. B., 22nd January, 1868.

Thos. Worthington, Esq.,

Commissioner of Inland Revenue, Ottawa.

SIR,—We have the honor to acknowledge receipt, on the 18th instant, of a copy of the Inland Revenue Act, under a cover bearing your signature, for which please accept our thanks.

It is understood here that this law was got up in your Department, and as you are the permanent head, we take the liberty, in the very best possible humour, of making a few remarks respecting its general bearing and effect.

You are, however, in error in addressing us as "Tobaccoists." Your Revenue Act has deprived us of that honorable title together with all its definitions as may be enacted. We stopped operations immediately on receiving notice that such a law was in existence and in force. Our Executive Councillors are only entitled to the prefix "Honorable" during their continuance in office, unless it is specially conferred by the Queen; so, in the Old Country, the Gauger, who is detested by all the illicit whiskey distillers, loses both his distinctive appellation and terrors on quitting office. Even the Chief Gauger at Ottawa would drop his extra title on resigning his official position.

We have laws in our Province to punish the vicious members of society, but they do not affect the regular livers. For instance a law to punish the drunkard, but which has no bearing on the sober man; laws with reference to thieving and thieves, but they have no influence upon the honest man. The same distinction is observed in the other laws relating to criminals. Yours is very different, it punishes the innocent equally with the guilty; it brands the business of tobacco manufacturers, of distillers, of maltsters, of rectifiers and brewers as infamous, and the persons carrying them on as disreputable, ranking them with drunkards, thieves, swindlers, and the other vile members of the public body; in fact, they are placed as the worst class of all. There are degrees in drunkenness, thieving, swindling, &c., provided for in the laws relating thereto, but in yours there is neither higher than lower, all are classed alike—the vilest of the vile. As a model of a tobacco manufacturer and the others engaged in the branches of manufacture referred to, you select in your mind a clever swindler of the most villainous kind, and you then frame your law to meet his case, and all persons in the business are brought to the level of this wretch, and are made to conform accordingly.

Your law is not only arbitrary, but it and some of the regulations connected therewith have a demoralizing tendency. The law makes the business ignominious, rendering its prosecution distasteful to men of capital and character, thus throwing it into the hands of knaves and swindlers. One of the books to be kept by a tobacco manufacturer, recording the quantity of material used during the day, a return of which has to be made every fortnight to the proper officer under oath. No man can take the oath who has proper regard to the sacred character of the affirmation, because it is impossible to fill up the columns in accordance with the heading. A man, from the necessity of the case, his all being in the business, or by reason of an elastic conscience, takes the oath once, the next time it is easier, and so on until correctness becomes a matter of indifference. This state being arrived at, the excise officer is tampered with, and unless he have an independent

salary or is endowed with firm religious principles, the chances are that mutual understandings will soon exist, and so bring about a state of affairs similar to what has lately been discovered in Louisiana, where the Government was defrauded of nearly all the duties, the spoils being divided between the manufacturers and the excise officers.

Our machinery is advertised for sale, we have offered it for a little over half what it cost us. When sold and removed we shall have to think of something else to occupy the buildings; perhaps, with the view to the future and existing facts it may be considered advisable to start the business of manufacturing fire arms. Earnest confederates begin to realize the situation, and to exclaim with all the zeal of the Yankee "sold."

To be serious—If we cannot be allowed to work the factory by paying the license fee and the duties honestly, and keeping such books and making such returns and oaths as can be done conscientiously, pledging for this and our good behaviour, not only the tobacco but the machinery, and also, in addition, all the property we have in the world by our bond to the Queen; if all this is not sufficient security then we had better quit the business and consider that it is only one of the losses which we will sustain by Confederation.

We entered into the business with a view of employing others more than with the view of our own profit, and we shall sincerely regret the stoppage of the business on their account. We can afford to make the loss better than we can afford to insult any two of our friends by asking them to pledge all they have in the world by signing a Queen's bond, and humbling themselves so far as to go before the Collector of Inland Revenue, and justifying as to their sufficiency.

We are most anxious, on account of the employés, to know exactly our position in this business. We would think it to be the desire of the Government to encourage persons to go into these branches of business who, owing to their position, cannot afford to do wrong.

We have, &c., &c.,  
(Signed,)

J. & R. REED.

(Copy.)

ST. JOHN, NEW BRUNSWICK,  
23rd January, 1868.

Thomas Worthington, Esq.,

Commissioner of Inland Revenue, Ottawa.

SIR,—We took the liberty of addressing you yesterday relative to the Inland Revenue Act.

We now deem it proper that we should point out a remedy for the evils complained of—it is a very simple one. The Collector of Inland Revenue for each district is, or ought to be, a gentleman of strict integrity, with a general knowledge of the people that surround him; he should have conferred upon him discretionary power to accept such security as he may consider ample to protect the revenue, then, in our case, we would offer first an untainted business reputation of 32 years standing; then our own bond to the Queen which would be a first lien from that day upon unencumbered property which we possess, to an extent of over one hundred times greater value than any sum which could be reasonably named by the Collector as the amount of the bond; in addition you have all the powers conferred upon the Excise Officers of entering the premises by night or by day, by all and every means, of demanding to see and examine not only the books to be kept in accordance with the law, but also books and papers of a private nature. Fraud in the business in all its varieties is punishable not only by fine but by imprisonment. The tobacco, except the fortnight manufacture, is under the lock and key of the Officer, and the machinery is made by law directly liable for the duties. All those safeguards would be considered by any reasonable Collector ample, and he would accordingly grant a license to work.

We have the honor to be, Sir,

Respectfully your obedient servants,

(Signed,)

J. & R. REED.

(Copy.)

## INLAND REVENUE DEPARTMENT,

Ottawa, February 6th, 1868.

GENTLEMEN,—I have the honor to acknowledge the receipt of your communications of the 22nd and 23rd ult., respecting the provisions of the Act 31st Vic., cap. 8, and in reply, I beg to inform you, that while regretting that you should deem it necessary to complain of the manner in which the provisions of the Act affect your business, I am not vested with any discretionary power in the matter, and cannot therefore authorize any exemption from its requirements.

I trust, however, that on a more deliberate consideration of the matter you will find room for modifying your views, and that in common with the large manufacturers of Quebec and Ontario, who have for many years been subject to similar restrictions, you will see that the stringent provisions of which you complain, are even more necessary for the protection of the honest trader than they are for the protection of the Revenue.

I presume it is almost superfluous for me to observe, that no equitable law could be framed which would predetermine who will act honestly, who will act partially so, and who will deliberately set himself to evade the payment of the duties to which the law subjects him. Much less would it be possible to allow such a discretionary power to be placed in the hands of any officer of this Department.

Experience has taught us that, in order to be effective, laws for the collection of our Inland Revenue, can hardly fail to be inquisitorial in their action, and by reason of the restrictions essential to the safety of the Revenue, exceedingly annoying to many of those who are subject to their operations, and I can readily understand how distasteful all this must be to those who are subjected to such restrictions for the first time; but I cannot for a moment admit that they are thereby subjected to any indignity or degradation, nor have I ever before heard such an idea suggested. I can point to instances, both in Ontario and Quebec, and to many in the United Kingdom, where parties have very large capitals invested in manufactures subject to Excise, in more than one instance upwards of half a million of dollars, who, in addition to the security thus afforded, give sureties for from \$100,000 to \$150,000. These gentlemen have invariably been the most anxious for the utmost stringency in the laws, and for the obvious reason, that any smuggling on their part would involve too great a risk; and that, but for the protection of the laws, men of little capital and less principle, would drive them out of the market and destroy the value of their investments.

Well devised Inland Revenue Laws must be advantageous to the honest trader, and can only be obnoxious to those who have not carefully considered the question, or those who have but little at stake design to defraud the Revenue. These last mentioned are those against whom the laws must be made effective, and therefore obnoxious, but the upright trader has nothing to fear beyond such surveillance as is in all cases necessary for determining who is, or who is not working honestly, and to save additional trouble and expense, which in fact forms part of the impost, and is therefore paid by the consumer.

This being the case, we confidently rely on the honest trader to strengthen our hands, to assist us in compelling all to bear their legitimate share of the burthen imposed by our laws, and in preventing rogues from profiting at the cost of himself and the general public.

I have, &amp;c., &amp;c.

(Signed,)

THOMAS WORTHINGTON,

*Commissioner.*

Messrs. J. &amp; R. Reed,

St. John, New Brunswick.

(Copy.)

## DEPARTMENT OF INLAND REVENUE,

Halifax, 29th January, 1868.

SIR,—Referring to the 109th section of the Act respecting Inland Revenue, I beg to say that application has been made on several occasions here for the drawback on beer exported under this section.

As I am not aware of the nature of the departmental regulations as to the manner and means of computing the strength of beer in such cases, I would respectfully ask your

instructions in reference thereto, and also that the office here be furnished with the necessary appliances for that purpose.

Application has also been made to the Collector for permission to remove tobacco from warehouse here to a warehouse in another warehousing port in the Province, in bond, but where there is no Collector of Inland Revenue.

Can any arrangement be made by which, in these cases, the Collector of Customs may collect the duty on tobacco warehoused for excise duty?

I have, &c., &c.,  
(Signed,) ARCH. PATTERSON,  
*District Inspector.*

Thomas Worthington, Esq.,  
Commissioner of Inland Revenue, Ottawa.

(Copy.)

INLAND REVENUE DEPARTMENT,  
Ottawa, 27th February, 1868.

SIR,—In reply to your communication of the 29th ult., relative to the drawback of excise duty upon malt liquor or beer exported in accordance with the 109th section of the 31st Vic., c. 8, and sub sect. 2, I beg to inform you that, in the absence of departmental regulations (now in course of preparation), such application for drawback can only be entertained in cases where the malt liquor or beer has been brewed on or after the 13th of December last past, and from malt upon which the duty has been paid.

With respect to the ascertainment of the strength of such malt liquor or beer, and the quantity of malt consumed in its manufacture, you will have to be guided, for the present, by the semi-monthly returns of the brewers and maltsters respectively, and all applications of this nature will have to be supported by the oath of the applicant.

Complying with the requirements of the subsection of the Act before referred to, you will call for the specified notice to be given by the brewer, to enable your officers to ascertain in person the quantity of malt mashed or used in the manufacture of the liquor intended to be exported.

You will please note that all applications for drawback must be made through the Collector of Inland Revenue, who will report thereon, and refer such to you for your inspector before their final transmission to this Department for the issuing of a warrant for the amount of duty to be refunded.

I beg to remain, &c., &c.,  
(Signed,) THOS. WORTHINGTON,  
*Commissioner.*

Arch. Patterson, Esq.,  
District Inspector of Inland Revenue, Halifax.

(Copy.)

DEPARTMENT OF INLAND REVENUE,  
Halifax, 21st February, 1868.

SIR,—I have the honor to enclose a petition to His Excellency the Governor General from Mr. Harris, a licensed tobacco manufacturer, which I have been requested to forward and to ask you to have the same laid before the Government.

It refers to a matter which has already been brought to the notice of the Government.

I have, &c.,  
(Signed,) ARCHD. PATTERSON,  
*District Inspector.*

Thomas Worthington, Esq.,  
Commissioner of Inland Revenue,  
Ottawa.

(Copy.)

To His Excellency the Right Honorable Charles Stanley, Viscount Monck, &c., &c., &c.,  
Governor General of the Dominion of Canada, the Petition of John F. Harris, of  
Pictou, in the County of Pictou, in the Province of Nova Scotia.

HUMBLY SHEWETH:

That your Petitioner hath been for several years and is now, by virtue of lawful license, a tobacco manufacturer carrying on such business at Pictou aforesaid.

That in the month of November, A. D. 1867, your Petitioner, by Alexander J. Patterson, of Pictou, merchant, imported from the United States of America eight thousand four hundred and fifty pounds of unmanufactured tobacco leaf, on which was then paid at Pictou, under the Revenue Laws of the Province of Nova Scotia, a duty of five cents per pound, amounting to four hundred and twenty-two dollars and fifty cents, as appears by the annexed certificate of the Collector of Customs.

That on the 13th December, 1867, when the duty of ten cents per pound on manufactured tobacco became payable by virtue of the Act respecting Internal Revenue, your petitioner had on hand six thousand nine hundred and sixty-three pounds of the same importation of leaf unmanufactured, a certificate of which fact was, on the 23rd of December last, forwarded to Samuel Tupper, Esq., Collector of Revenue, by the Collector of Internal Revenue for the District of Pictou.

That the greater part of said leaf has been manufactured and that the remainder is in course of being manufactured.

That your petitioner has paid a duty of ten cents per pound on part of said tobacco manufactured and is required to pay a similar duty on the remainder, and such duties being in addition to the duty paid on the same article on importation a positive loss will accrue to your petitioner on such tobacco.

Your petitioner therefore prays that Your Excellency will graciously be pleased to remit the duties paid and still payable on said tobacco, under the Inland Revenue Act, and to order that your petitioner, under the supervision of the Collector of Inland Revenue here, be authorized to manufacture and dispose of all the said leaf free from any other duty than that already paid on the original importation thereof, or that Your Excellency will afford such relief in the premises as shall be deemed reasonable and equitable.

And your petitioner as in duty bound will ever, &c., &c.

(Signed,)

JOHN F. HARRIS.

Pictou, N. S., 19th February, 1868.

(Copy.)

OFFICE OF CUSTOMS,

Pictou, Nova Scotia, 19th February, 1868.

I certify that on the 22nd November, 1867, on eight thousand four hundred and fifty pounds of tobacco leaf then imported from the United States, there was paid to me a duty of five cents per pound, amounting to four hundred and twenty-two dollars and fifty cents.

(Signed,)

D. McCULLOCH,

Collector.

(Copy.)

PICTOU, N. S., 19th February, 1868.

I, Alexander Patterson, of Pictou, merchant, certify and declare that the tobacco leaf referred to in the foregoing certificate is the same tobacco leaf as that mentioned in the foregoing petition of John F. Harris.

(Signed,)

A. J. PATTERSON.

(Copy.)

INLAND REVENUE DEPARTMENT,

Ottawa, 27th February, 1868.

SIR,—In regard to the application made to you for permission to remove tobacco from one of your Inland Revenue bonded warehouses, in the City of Halifax, to another warehousing port in the interior of the country where there is no Inland Revenue Officer, I am authorized to inform you by the Honorable the Minister of Customs, to whom the matter was referred, that he sees no objection against such an arrangement being carried into effect, and the Collector of Customs collecting the Inland Revenue duty in the same manner as if the goods were imported and warehoused.

It will be necessary in all cases of this nature to supply the Collector of Customs, entrusted, with the necessary Inland Revenue bonds and other forms.

I beg to remain, &c., &c.,

(Signed,)

THOS. WORTHINGTON,

Commissioner.

Archd. Patterson, Esq.,

District Inspector of Inland Revenue, Halifax.

To His Excellency the Right Honorable Lord Monck, Governor General of the Dominion of Canada, &c., &c., and to the Honorable the Executive Council thereof.

The undersigned merchants and other inhabitants of the City of Halifax, Province of Nova Scotia, beg most respectfully to represent to Your Excellency that, at the present time, very great distress exists among fishermen and many other classes in this Province, owing to the partial failure of the fisheries in certain localities, and a total failure of both fisheries and crops in some districts. To such an alarming extent does this distress prevail that your Memorialists are now contributing funds to ward off actual starvation in some of the settlements on the shore.

Under this unfortunate state of affairs Your Memorialists view with much concern the enactment of a tariff imposing a duty on corn, corn meal and rye flour, all articles of general consumption among the people above referred to as suffering from absolute want, and Your Memorialists would urge upon Your Excellency the propriety of immediately admitting the articles of corn, corn meal and rye flour into the Province of Nova Scotia duty free in consideration of the facts above stated.

(Signed,)

James A. Moren,  
 Harry Pryor, Stipendiary Magistrate  
 for City of Halifax.  
 William Hare,  
 Salkeet Twining,  
 Black, Brothers & Co.,  
 W. B. Hamilton & Co.,  
 J. W. Merkel,  
 W. L. Evens,  
 Blackwood & Sutherland,  
 Bayne, Brothers & Co.,  
 William Mackay, Son & Co.,  
 John Tobin & Co.,  
 Robert Noble,  
 A. A. White & Co.,  
 D. R. H. Bell,  
 15th January, 1868

R. H. Bell, Jun.,  
 J. R. Carter,  
 Lawson, Havingston & Co.,  
 Oxley & Co.,  
 B. Wier & Co.,  
 Moir & Co.,  
 Edm. F. Tobin,  
 A. Goreham,  
 John Livesey  
 Neal White & Co.,  
 W. C. Silver,  
 William Smith,  
 C. D. Bunter,  
 Lordly & Stimpson,  
 James Butler & Co.,  
 J. C. Cochran, M. A.



# RETURN

To an Address of the HOUSE OF COMMONS, dated 2nd December, 1867; For a Return shewing the entire amounts paid to the several Delegates sent to England in the year 1866, by the Government of the old Province of Canada, and by the Governments of Nova Scotia and New Brunswick, to promote the passage of the Act of Confederation, and the amounts paid on their accounts to any parties, distinguishing the amount paid to each Delegate or on his account; and also, the amounts paid as remuneration for their services and the amounts paid as expenses to each; and also, the amounts (if any) yet due to any of the Delegates or on their account.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 8th May, 1868.

RETURN to an Address &c., for Expenses connected with the Confederation Delegation to England, in 1866.

## PROVINCE OF CANADA.

|                                                                                                          |                    |
|----------------------------------------------------------------------------------------------------------|--------------------|
| For remuneration to the Hon. Mr. Galt.....                                                               | \$ 2,500 00        |
| Travelling expenses and expenses of residence of six Canadian Delegates and Secretary of Delegation..... | 27,149 57          |
| Expenses of Conference in meetings, printing, &c.....                                                    | 5,862 87           |
|                                                                                                          | <u>\$35,512 44</u> |

## PROVINCE OF NOVA SCOTIA.

|                                       |                    |
|---------------------------------------|--------------------|
| Hon. C. Tupper, pay and expenses..... | \$5,243 83         |
| “ W. A. Henry, do .....               | 5,243 83           |
| “ A. G. Archibald, do .....           | 5,243 83           |
| “ G. W. Ritchie, do .....             | 5,243 83           |
| “ J. McCully, do .....                | 5,243 83           |
| “ A. McFarlane, do .....              | 2,433 33           |
| Sundry printing, &c.....              | 547 52             |
|                                       | <u>\$29,200 00</u> |

## PROVINCE OF NEW BRUNSWICK.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Hon. P. Mitchell, pay and expenses .....            | \$5,487 17         |
| “ R. D. Wilmot, do .....                            | 5,487 17           |
| “ J. M. Johnston, do .....                          | 5,487 17           |
| “ E. B. Chandler, do .....                          | 2,433 33           |
| “ Provincial Secretary do .....                     | 4,866 67           |
| “ Attorney General do .....                         | 4,866 67           |
| Expenditure for printing pamphlets, papers, &c..... | 571 82             |
|                                                     | <u>\$29,200 00</u> |

JOHN LANGTON,  
*Auditor*

May 7th, 1868.

(No. 88.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 22nd November, 1867; For a Statement shewing, in detail, the Public Works and Property of the Dominion of Canada, derived by virtue of the Act of Union. Also, a statement showing the Public Debt and liabilities of such Dominion, together with the amount of securities for money deducted from the amount of the respective debts of the Provinces of the Union, under section 107 of the Act of Union; Also, a statement of all stocks, cash, and Bankers' balances, transferred to the Dominion, by the said Act of Union, on the first day of July last.

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(No. 89.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 16th March, 1868; For a Statement of all moneys in the hands of the late Provincial Treasurer of New Brunswick, and of the late Deputy Treasurers throughout the said Province on the 1st day of July last, with a statement of the amount received by the said Treasurer and Deputy Treasurers since 1st of July last until the 1st December last, on account of money due the Province of New Brunswick prior to 1st July last; and also a statement of all moneys paid by the Dominion of Canada on account of the Province of New Brunswick, from the 1st of July last, up to the 1st day of December instant, specifying, in detail, on what account and for what reason the moneys have been so paid.

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[No Returns, in answer to the above Addresses, have yet been laid before Parliament.]

(No. 90.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 26th March, 1868; For a Return of all sums paid by the Government and both Houses of Parliament for printing, advertising, stationery and pens, during the years 1865, 1866, and 1867; the name of the Department, or person ordering the same, with the name of the persons to whom the same was paid; and also a statement of all sums paid for advertising and subscription to the "*Canada Gazette*," during the same period.

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(No. 91.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 21st November, 1867; For Copies of any letters or circulars addressed, in the month of June last, by the late Honorable Commissioner of Crown Lands for the Province of Canada, to the Electors of Algoma, or any of them, with reference to their choice of Candidates at the then approaching Elections.

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(No. 92.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 4th December, 1867; For a detailed Statement of the sums paid by Government for lots of land, or parts of lots of land, in effecting the final settlement of the boundary line between the late Provinces of Upper and Lower Canada; the quantity and extent of land taken, the numbers of the lots and the names of the proprietors thereof, the amount paid for each lot, and to whom paid, and also for copies of all the documents relating to the matter.

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(No. 93.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 9th December, 1867; For Copies of the two several Maps furnished to the Government of the late Province of Canada, by the Hudson's Bay Company, in the year 1864, and shewing, respectively, the territory then claimed by that Company, and the portion of land claimed by them, which the Company proposed to surrender to the Crown.

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[No Returns, in answer to the above Addresses, have yet been laid before Parliament.]

(No. 94.)

## RETURN

To an Address of the HOUSE OF COMMONS, dated 23rd March, 1868; For Copies of all Correspondence had between the Postmaster General of Canada, and any Companies or persons with reference to the Steamers of the Canadian Ocean Mail Line, or of any other line calling at the Port of Halifax.

By Command

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 23rd January, 1869.  
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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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(No. 95.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 1st April, 1868; For Copies of all Correspondence held with any of the Local Governments of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, concerning the present state of the Marriage Laws, or the jurisdiction of the Local Parliaments with regard to the same.

  
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*[No Return, in answer to the above Address, has yet been laid before Parliament.]*

(No. 96.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 1st April, 1868; For a Statement of all moneys received by all Clerks of the Circuit Courts in all the Counties in the Province of Quebec, other than the *chefs-lieux* of Districts, in virtue of a proclamation issued in accordance with the provisions of sub-section three of section 32 of chapter 109 of the Consolidated Statutes for Lower Canada, and of all sums deposited in the Banks in virtue of such proclamation, and for the names of such Banks; said statement being from the 1st July, 1864, to the 1st July, 1867.

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(No. 97.)

## ADDRESS

Of the HOUSE OF COMMONS, dated 1st April, 1868; For a Return of all amounts paid by the Government of the late Provinces of Canada, Nova Scotia, and New Brunswick, viz :—Pensions under Statute; pensions under estimates; pensions on the civil list; military pensions and all other pensions, if such there be, for the year ending 30th June, 1867, stating respectively in detail the charges on each Province for such pensions.

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[No Returns, in answer to the above Addresses, have yet been laid before Parliament.]

(No. 98.)

# RETURN

To an Address of the HOUSE OF COMMONS, dated 27th April, 1868; For a Return of all the arms, accoutrements, clothing, and military stores of all descriptions, purchased by the Government of the late Province of Canada, from 1862 to 1st July, 1867; and by the Government of the Dominion of Canada, since the 1st July last; shewing the date of purchase, the price paid, the quantity still on hand; whether in store, or in the possession of the Volunteers, together with the Report or Certificate as to condition, of the Officer who witnessed the transfer into the Provincial or Dominion Military Stores, of the said arms, accoutrements, clothing, &c.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 28th October, 1868.

(No. 99.)

# RETURN

To an Address of the HOUSE OF COMMONS, dated 4th May, 1868; For a Statement shewing the number of claims submitted for the decision of the Provincial Arbitrators of the former Province of Canada, consequent upon the expropriation of land required for military defence in the County of Lévis, from the 15th August, 1866, to the 10th day of March last; the name of the claimants, the price offered in each case by the military authorities, and the price awarded by the Provincial Arbitrators; the names of the Attorneys employed by the military authorities, and the said Arbitrators; and the fees and sums of money charged by and paid to such Attorneys, in each claim.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 28th October, 1868.

No. 100.)

**RETURN**

To an Address of the HOUSE OF COMMONS, dated 6th May, 1868; For Copies of all Correspondence that has taken place between the Government and Chambers of Commerce, Boards of Trade and Refiners, on the subject of the Sugar Duties.

By Command

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

Ottawa, 19th January, 1869.  
—

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

  
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(No. 101.)

**ADDRESS**

Of the HOUSE OF COMMONS, dated 6th May, 1868; For Copies of all Correspondence since the 1st of July last, respecting complaints against the Corporation of Pilots, for and below the Harbour of Quebec; and also the Report of the Trinity House of Quebec, with the evidence taken before them on the subject of such complaints, and all other documents connected therewith.

  
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*[No Return, in answer to the above Address, has yet been laid before Parliament.]*



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(No. 102.)

# RETURN

To an Address of the HOUSE OF COMMONS, dated 11th May, 1868; For Returns of all moneys expended, how, when and where, under the appropriation made by the Parliament of Canada in 1861, of the sum of \$30,000, for dredging operations and new dredges, for maintenance and improvement of navigation at various places; also, for Returns of expenditure under the grant of \$8,000, voted in the same year, under the head of surveys, in so far as the said expenditure relates to the survey of Harbours of Refuge on Lake Erie and Lake Huron, with the dates when, and places where the expenditures were made, and the various amounts so expended.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 28th October, 1868.

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(No. 103.)

# RETURN

To an Address of the HOUSE OF COMMONS, dated 11th May, 1868; For a Statement showing the amount paid by the Government of the old Province of *Canada*, and by the Government of the Dominion, if any, since the 1st July, 1866, for works connected with the descent of timber on *Black River*, in the County of *Pontiac*, in the Province of *Quebec*; the amount paid for repairs of such works; the amount paid to parties in charge, if any; and the amount of revenue derived from these works.

By Command.

HECTOR L. LANGEVIN,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 30th October, 1868.

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# RETURN

To an Address of the HOUSE OF COMMONS, dated 13th May, 1868; For a Copy of the answer made to the Report of the Trinity House, *Quebec*, which was asked by an Address of the House on the 6th instant, and of the documents accompanying the said answer.

By Command.

HECTOR L. LANGEVIN,  
*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 20th January, 1869.

## ADDRESS

Of the HOUSE OF COMMONS, dated 13th May, 1868, For a Return of all Petitions and Correspondence from any parties in the Province of *Nova Scotia*, including the Report of *A. Woodgate*, Esquire, the late Postmaster General, to the Government of the Dominion of *Canada*, relative to the carrying of Her Majesty's Mail across the Strait of Canso, in that Province.

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[*No Return, in answer to the above Address, has yet been laid before Parliament.*]